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PART IV Sec 1-B

January — December

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 1 LCR 78,

Bangalore, dated 18th January 1978

Ordered that the Resolution No. 7/6-77-CL. V. dated : the 30th December 1977, published in part I Section 1 of the *Gazette of India* Extraordinary dated 30th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India.

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Company Affairs)

RESOLUTION

New Delhi, the 30th December 1977.

No. 7/6-77-CL.V.—The Central Government hereby extends the time for submission of report by the Committee appointed under Government Resolution of even number dated 23rd June, 1977, upto 30th June, 1978.

ORDER

Ordered that a copy of this Resolution also be communicated to all the State Governments, Union Territories, Ministries and Departments of the Government of India, Prime Minister's office, Cabinet Secretariat, Military Secretary to the President of India and Private Secretary to the Vice-President of India.

Ordered also that it be published in the *Gazette of India* Extraordinary.

K. K. RAY, Secy.

Notification No. LAW 4 LCA 78

Bangalore, dated 18th January 1978.

Ordered that the Companies (Amendment), Act, 1977 No. 46 of 1977 published in Part II. Section 1 of the Gazette of India Extraordinary dated 24th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 24th December, 1977/Pausa 3, 1899 (Saka)

The following Act of Parliament received the assent of the President on the 24th December, 1977, and is hereby published for general information :—

THE COMPANIES (AMENDMENT) ACT, 1977

No. 46 OF 1977

[*24th December, 1977*]

An Act further to amend the Companies, Act, 1956.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Companies (Amendment) Act, 1977.

2. **Amendment of section 10E.**—In the Companies Act, 1956 (1 of 1956), (hereinafter referred to as the principal Act), in section 10E, in sub-section (4D). for the words and figures "Chapter XXXV of the Code of Crimial Procedure, (1898", 5 of 1898) the words and figures "Chapter XXVI of the Code of Criminal Procedure, 1973" (2 of 1974) shall be substituted.

3. **Amendment of section 58A.**—In section 58A of the principal Act, after sub-section (7), but before the *Explanation*, the following sub-section shall be inserted, namely :—

"(8) The Central Government may, if it considers it necessary for avoiding any hardship or for any other just and sufficient reason, by order, issued either prospectively or retrospectively from a date not earlier than the commencement of the Companies (Amendment) Act, 1974, (41 of 1974). grant extension of time to a company or class of companies to comply with, or exempt any company or class of companies from, all or any of the provisions of this section either generally or for any specified period subject to such conditions as may be specified in the order :—

Provided that no order under this sub-section shall be issued in relation to a class of companies except after consultation with the Reserve Bank of India".

4. **Amendment of section 108H.**—In section 108H of the principal Act, the words, figures letters and brackets 'and, any reference in sections 108A, 108B and 108C to "same management" shall be construed as a reference to "same management" as defined in clause (g) of section 2 of the Monopolies and Restrictive Trade Practices Act 1969' (54 of 1969) shall be inserted at the end.

5. **Amendment of section 220**:—In section 220 of the principal Act,—

(i) in sub-section (1), after the words "balance sheet and the profit and loss account were so laid", the words, "or where the annual general meeting of a company for any year has not been held, there shall be filed with the Registrar within thirty days from the latest day on or before which that meeting should have been held in accordance with the provisions of this Act", shall be inserted ;

(ii) in sub-section (2), after the words "does not adopt the balance sheet", the words "or, if the annual general meeting of a company for any year has not been held," shall be inserted.

6. **Amendment of section 293.**—In section 293 of the principal Act, in sub-section (1), in clause (e), for the words "twenty-five thousand rupees", the words, "fifty thousand rupees" shall be substituted.

7 **Amendment of Section 620.**—In section 620 of the principal Act, for sub-section (2), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 1st day of February, 1975 namely:—

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive session and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification, or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.".

8 Insertion of new section 634 A.—After section 634 of the principal Act, the following section shall be inserted namely:—

"**634A. Enforcement of orders of Company Law Board.**—Any order made by the Company Law Board under section 17, section 18, section 19, section 79, section 141, or section 186 may be enforced by that Board in the same manner as if it were a decree made by a Court in a suit pending therein, and it shall be lawful for that Board to send, in the case of its inability to execute such order, to the Court within the local limits of whose jurisdiction,—

(a) in the case of an order against a company, the registered office of the company is situated, or

(b) in the case of an order against any other person, the person concerned voluntarily resides, or carries on business or personally works for gain".

9 Amendment of section 635.—In section 635 of the principal Act, after sub-section (3), the following sub-section shall be inserted namely:—

(4) Where any order made by the Company Law Board under section 17, Section 18, section 19, section 79 or section 186 is required to be enforced by a Court, a certified copy of the order shall be produced to the proper officer of the Court required to enforce the order and the provisions of sub-sections (2) and (3) shall as far as may be apply to every such order in the same manner and to the same extent as they apply to an order made by a Court.".

S. HARIHARA IYER,

Joint Secretary to the Government of India,

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PART

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LWA 2 LCA 78

Bangalore, dated 17th January 1978.

Ordered that the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977) published in Part II Section 1 of the Gazette of India Extraordinary dated 7th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

Assented to on 7th December 1977 Act No. 36 of 1977

THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS ACT, 1977

An

Act

to provide for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. **Short title, extent, application and commencement.**—(1) This Act may be called the Water (Prevention and Control of Pollution) Cess Act, 1977.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Subject to the provisions of sub-section (2), it applies to all the States to which the water (Prevention and Control of Pollution Act, 1974 (6 of 1974) applies and the Union territories.

(4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions**:—In this Act, unless the context otherwise requires,—

(a) "local authority" means a municipal corporation or a municipal council (by whatever name called) or a cantonment board or any other body, entrusted with the duty of supplying water under the law by or under which it is constituted;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "specified industry" means any industry specified in Schedule I;

(d) words and expressions used but not defined in this Act and defined in the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) shall have the meanings respectively assigned to them in that Act.

3. **Levy and Collection of cess.**—(1) There shall be levied and collected a cess for the purposes of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974). and utilisation thereunder.

(2) The cess under sub-section (1) shall be payable by—

(a) every person carrying on any specified industry; and

(b) every local authority,.

and shall be calculated on the basis of the water consumed by such person or local authority, as the case may be, for any of the purposes specified in column (1) of Schedule II, at such rate, not exceeding the rate specified in the corresponding entry in column (2) thereof, as the Central Government may, by notification in the Official Gazette, from time to time specify.

(3) Where any local authority supplies water to any person carrying on any specified industry or to any other local authority and such person or other local authority is liable to pay cess under sub-section (2) in respect of the water so supplied, then, notwithstanding anything contained in that sub-section, the local authority first mentioned shall not be liable to pay such cess in respect of such water.

Explanation:—For the purposes of this section and section 4, "consumption of water" includes supply of water.

4. **Affixing of meters.**—(1) For the purpose of measuring and recording the quantity of water consumed, every person carrying on any specified industry and every local authority shall affix meters of such standards and at such places as may be prescribed and it shall be presumed that the quantity indicated by the meter has been consumed by such person or local authority, as the case may be, until the contrary is proved.

(2) Where any person or local authority fails to affix any meter as required by sub-section (1), the Central Government shall, after notice to such person or local authority, as the case may be, cause such meter to be affixed and the cost of such meter together with the cost for affixing the meter may be recovered from such person or local authority by the Central Government in the same manner as an arrear of land revenue.

5. **Furnishing of returns**.—Every person carrying on any specified industry and every local authority, liable to pay the cess under section 3, shall furnish such returns, in such form at such intervals and containing such particulars to such officer or authority as may be prescribed.

6. **Assessment of cess**.—(1) The officer or authority to whom or which the return has been furnished under section 5 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the concerned person carrying on any specified industry or local authority, as the case may be.

(2) An order of assessment made under sub-section (1) shall specify the date within which the cess shall be paid to the State Government.

(3) A copy each of the of order assessment made under sub-section(1) shall be sent to the person or, as the case may be, to the local authority concerned and to the State Government.

(4) The State Government shall, through such of its officers or authorities as may be specified by it in this behalf by notification in the Official Gazatte, collect the cess from the person or local authority liable to pay the same and pay the amount so collected to the Central Government in such manner and within such time as may be prescribed.

7. **Rebate.**—Where any person or local authority, liable to pay the cess under this Act, instals any plant for the treatment of sewage or trade effluent, such person or local authority shall, from such date as may be prescribed be entitled to a rebate of seventy per cent. of the cess payable by such person or, as the case may be, local authority.

8. **Crediting proceeds of cess to Consolidated Fund of India and application thereof.**—The proceeds of the cess levied under section 3 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Central Board and every State

Board, from time to time, from out of such proceeds, after deducting the expenses on collection such sums of money as it may think fit for being utilised under the Water (Prevention and Control of Pollution) Act, 1974: (6 of 1974):

Provided that while determining the sume of money to be paid to any State Board under this section, the Central Government shall have regard to the amount of cess collected by the State Government concerned under sub-section (4) of section 6.

Explanation.—For the purposes of this section, "State Board" includes a Joint Board, if any, constituted under section 13 of the Water (Prevention and Control of Pollution) Act, 1974. (6 of 1974).

9. **Power of entry.**—Any officer or authority of the State Government specially empowered in this behalf by that Government may,—

(a) with such assistance, if any, as he or it may think fit, enter at any reasonable time any place which he or it considers it necessary to enter for carrying out the purposes of this Act including the testing of the correctness of the meters affixed under section 4;

(b) do within such place anything necessary for the proper discharge of his or its duties under this Act; and

(c) exercise such other powers as may prescribed.

10. **Interest payable for delay in payment of cess.**—If any local authority fails to pay any amount of cess payable under section person Carrying on any specified industry or any 3 to the State Government within the date specified in the order of assessment made under section 6, such person or local authority, as the case may be, shall be liable to pay interest at twelve per cent. per annum on the amount to be paid from the date on which such payment is due till such amount is actually paid.

11. **Penalty for non-payment of cess within the specified time**—If any amount of cess payable by any person carrying on any specified industry or any local authority under section 3 is not paid to the State Government within the date specified in the order of assessment made under section 6, it shall be deemed to be in arrears and the authority prescribed in the behalf may, after such inquiry as it deems fit, impose on such person or, as the case may be, local authority, a penalty not exceeding the amount of cess in arrears:

Provided that before imposing any such penalty, such person or, as the case may be, the local authority shall be given a reasonable opportunity of being heard and if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

12. Recovery of amount due under the Act.—Any amount due under this Act (including any interest or penalty payable under section 10 or section 11, as the case may be) from any person carrying on any specified industry or from any local authority may be recovered by the Central Government in the same manner as an arrear of land revenue.

13. Appeals.—(1) Any person or local authority aggrieved by an order of assessment made under section 6 or by an order imposing penalty made under section 11 may, within such time as may be prescribed, appeal to such authority in such form and in such manner as may be prescribed.

(2) Every appeal preferred under sub-section (1) shall be accompanied by such fees as may be prescribed.

(3) After the receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

(4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.

14. Penalty.—(1) Whoever, being under an obligation to furnish a return under this Act, furnishes any return knowing, or having reason to believe, the same to be false shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) Whoever, being liable to pay cess under this Act, wilfully or intentionally evades or attempts to evade the payment of such cess shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) No court shall take cognizance of an offence punishable under this section save on a complaint made by or under the authority of the Central Government.

15. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

16. **Power to amend Schedule I.**—(1) The Central Government may, by notification in the Official Gazette, add to Schedule I any industry having regard to the consumption of water in the carrying on of such industry and the consequent discharge thereof resulting in pollution of any stream and thereupon Schedule I shall, subject to the provisions of sub-section (2), be deemed to be amended accordingly.

(2) Every such notification shall be laid before each House of Parliament, if it is sitting as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days begining with the day on which the notification is so laid before the House of the People, and if Parliament makes any modification in the notification or directs that the notification should case to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of any thing previously done thereunder.

17. **Power to make rules.**—(1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Without projudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the standards of the meters to be affixed and the places at which such meters are to be affixed under sub-section (1) of section 4;

(*b*) the returns to be furnished under section 5, the form in which and the intervals at which such returns are to be furnished, the particulars which such returns shall contain and the officer or authority to whom or which such returns shall be furnished ;

(*c*) the manner in which and the time within which the cess collected shall be paid to the Central Government under sub-section (4) of section 6 ;

(*d*) the date from which any person or local authority liable to pay cess shall be entitled to the rebate under section 7 ;

(*e*) the powers which may be exercised by the officer or authority under section 9 ;

(*f*) the authority which may impose penalty under section 11 ;

(*g*) the authority to which an appeal may be filed eunder sub-section (1) of section 13 and the time within which and the form and manner in which such appeal may be filed ;

(*h*) the fees which shall accompany an appeal under sub-section (2) of section 13 ; and

(*i*) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE I

[*See section 2(c)*]

1. Ferrous metallurgical industry.
2. Non-ferrous metallurgical industry.
3. Mining industry
4. Ore processing industry.
5. Petroleum industry.
6. Petro-chemical industry.
7. Chemical industry.
8. Ceramic industry.
9. Cement industry.
10. Textile industry.
11. Paper industry.
12. Fertilizer industry.
13. Coal (including coke) industry.
14. Power (thermal and diesel) generating industry.
15. Processing of animal or vegetable products industry.

SCHEDULE-II

(*See section-3*)

Purpose of which water is consumed (1)	Maximum rate (2)
1. Industrial cooling, spraying in mine pits or boiler feed	Three-fourths of a paisa, per kilo litre.
2. Domestic purpose ...	One paisa, per kilo litre.
3. Processing whereby water gets polluted and the pollutants are easily bio-degradable ...	Two paise, per kilo litre.
4. Processing whereby water gets polluted and the pollutants are not easily bio-degradable and are toxic ...	Two and a half paise, per kilo litre.

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the said Act), which has not been released from such requisition before the appointed day, shall,—

(i) if such property was requisitioned on or before the 21st day of March, 1977, as from that date and

(ii) if such property was requisitioned at any time after such date, as from the date of its requisition,

be deemed to have been requisitioned by the competent authority under the provisions of this Act for the purpose for which such property was held immediately before the appointed day and all the provisions of this Act shall apply accordingly:

Provided that in determining the compensation payable under this Act in respect of any property so deemed to have been requisitioned under this Act, the sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the matters specified in clause (b) of sub-section (2) of section 8 shall be reduced by the sum or sums, if any, paid or payable in respect of such matter or matters as compensation in respect of such property under the Defence of India Act, 1971, and the rules made thereunder.

(2) Save as otherwise provided in sub-section (1), the provisions of the Defence of India Act, 1971, and the rules made thereunder, in so far as those provisions relate to the requisitioning of any such immovable property as is referred to in sub-section (1), shall, as from the 21st March, 1977, cease to operate except as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such cesser of operation as if such cesser were a repeal of an enactment by a Central Act.

Explanation.—In this section, "appointed day" means the 23rd September, 1977.'

3. **Repeal and Saving.**—(1) The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1977 (Ord. 12 of 1977.), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Notification No. LAW 6 LCA 78

Bangalore, dated 31st January 1978.

Ordered that the Salaries and Allowances of Ministers (Amendment) Act, 1977 (No. 37 of 1977) published in Part II, Section 1 of the *Gazette of India*, Extraordinary dated 9th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs

Assented to on 9th December 1977 Act No. 37 of 1977

THE SALARIES AND ALLOWANCES OF MINISTERS (AMENDMENT) ACT, 1977.

AN
ACT

further to amend the Salaries and Allowances of Ministers Act, 1952.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 1977.

2. **Substitution of new section for section 11.**—For section 11 of the Salaries and Allowances of Ministers Act), 1952 (58 of 1952), (hereinafter referred to as the principal Act, the following section shall be substituted, namely :—

"11. **Power to make rules.**—(1) The Central Government may make rules to carry out the purposes of this Act.

(2) Every rule made under this Act after the commencement of the Salaries and Allowances of Ministers (Amendment) Act, 1977 shall be laid before each House of Parliament and no such rule shall come into force until it has been approved, whether with or without modifications, by each House of Parliament and published by the Central Government in the Official Gazette.".

3. **Validation.**—Nothwitstanding anything contained in section 11 of the principal Act, as it stood immediately before the commencement of this Act, no rule made, or purporting to have been made, by the Central Government under that section with retrospective effect and no action taken or thing done in accordance with the rule so made, at any time before the commencement of this Act, shall be deemed to be invalid or ever to have been invalid by reason only of the fact that the Central Government had no power to make such rule retrospectively under that section.

Notification No. LAW 7 LCA 78,

Bangalore, dated 31st January 1978

Ordered that the Advocates (Amendment) Act, 1977 (No 38 of 1977), published in Part II Section 1 of the *Gazette of India* Extraordinary dated 13th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

Assented to on 13th December 1977 Act No. 38 of 1977

THE ADVOCATES (AMENDMENT) ACT 1977

AN
ACT

(further to amend the Advocates Act, 1961.)

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1 **Short title and commencement.**—(1) This Act may be called the Advocates (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 31st day of October, 1977.

2 **Amendment of Section 3.**—In section 3 of the Advocates Act, 1961 (25 of 1961), (hereinafter referred to as the principal Act) for sub-sections (3) and (3A), the following sub-sections shall be substituted, namely :—

"(3) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.

(3A) Every person holding office as Chairman or as Vice-Chairman of any State Bar Council immediately before the commencement of the Advocates (Amendment) Act, 1977, shall on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be :—

Provided that every such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be of each State Bar Council elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office.".

3. **Amendment of section 4.**—(1) In section 4 of the principal Act,—

(i) in sub-section (1), clause (bb) shall be omitted;

(ii) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

"(2) There shall be a Chairman and a Vice Chairman of the Bar Council of India elected by the Council in such manner as may be prescribed.

(2A) A person holding office as Chairman or as Vice-Chairman of the Bar Council of India immediately before the commencement of the Advocates (Amendment) Act, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that such person shall continue to carry on the duties of his office until Chairman or the Vice-Chairman as the case may be, of the Council, elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office.''.

4. **Amendment of section 8.**—(1) In sub-section (1) of section 8 of the principal Act, for the words "four years", the words "five years" shall be substituted.

(2) The amendment made by sub-section (1) to sub-section (1) of section 8 of the principal Act shall apply also to an elected member of every State Bar Council who has not completed the term of four years at the commencement of this Act.

5. **Amendment of section 15.**—In sub-section (2) of section 15 of the principal Act,—

(i) before clause (d), the following clause shall be inserted, namely:—

"(c) the manner of election of the Chairman and the Vice-Chairman of the Bar Council;";

(ii) in clause (d), after the words "election to the Bar Council" the words "or to the office of the Chairman or Vice-Chairman" shall be inserted.

6. **Amendment of Section 34.**—In section 34 of the principal Act, after sub-section (1A), the following sub-section shall be inserted namely:—

"(2) Without prejudice to the provisions contained in sub-section (1), the High Court at Calcutta may make rules providing for the holding of the Intermediate and the Final examination for articled clerks to be passed by the persons referred to in section 58AG for the purpose of being admitted as advocates on the State roll and any other mater connected therewith.".

7. Insertion of new section 58 AG. In the principal Act, after section 58AF, the following section shall be inserted, namely:—

"**Special provisions in relation to articled clerks.—58AG.** Notwithstanding anything contained in this Act, every person who, immediately before the 31st day of December 1976, has commenced his articleship and passed the Preliminary examination, for the purpose of enrolment as an attorney of the High Court at Calcutta in accordance with the rules made under sub section (2) of section 34, before the omission of that sub-section by the Advocates (Amendment) Act, 1976, (107 of 1976) may be admitted as an advocate on the State roll if he—

(i) passes, on or before the 31st day of December, 1980,—

(a) the Final examination in a case where such person has, before the 31st day of December, 1976, passed the Intermediate examination,

(b) the Intermediate and the Final examinations in any other case.

Explanation.—For the purpose of this clause, the High Court at Calcutta may prescribe such rules as may be necessary under sub-section (2) of section 34, specifying the nature of the examinations and any other matter relating thereto;

(ii) makes an application for such enrolment in accordance with the provisions of this Act; and

(iii) fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1) of section 24.".

8. Repeal and saving (1) The Advocates (Amendment) Ordinance, 1977, (16 of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification No. LAW 8 LCA 78

Bangalore, dated 31st January 1978.

Ordered that the Indian Iron and Steel Company (Acquisition of Shares) Amendment Act, 1977 (No. 39 of 1977) published in Part II, Section 1 of the *Gazette of India* Extraordinary dated: 13th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

A. NEELAKANTAIYA,

Under Secretary to Government,

39 *Department of Law and Parly. Affairs.*

Assented to on 13th December 1977 Act No. 39 of 1977

THE INDIAN IRON AND STEEL COMPANY (ACQUISITION OF SHARES) AMENDMENT ACT, 1977)

AN ACT

to amend the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. **Short title and commencement:** —(1) This Act may be called the Indian Iron and Steel Company (Acquisition of Shares) Amendment Act, 1977.

(2) It shall be deemed to have come into force on the 13th day of October, 1977.

2. **Amendment of section 2.**—In section 2 of the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976 (59 of 1976) (hereinafter referred to as the principal Act, for clause (*h*), the following clause shall be substituted, namely :—

'(*h*) "shareholder" means,—

(*i*) a person who, immediatly before the appointed day, was registered by the Company as the holder of any share and includes his legal representative ; or

(*ii*) a person who, before the appointed day, had lodged with the Company a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956, (1 of 1956.) and executed in accordance with the provisions of that section ; or

(*iii*) a person who claims under a proper instrument of transfer of any share in the form priscribed under section 108 of the Companies Act, 1956, (1 of 1956) and delivers such instrument, duly executed, to the Commissioner on or before such date as the Central Government may, by notification, specify in this behalf; .

3. **Amendment of section 7.**—In section 7 of the principal Act, in sub-section (1),—

(*i*) in the opening paragraph, for the words "within thirty days from the specified date", the words, figures and letters "on or before the 30th day of November, 1977" shall be substituted and shall be deemed always to have been substituted ;

(*ii*) for the proviso, the following proviso shall be substituted and shall be deemed always to have been substituted, namely :—

"Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim before the said date, he may entertain the claim within a further period of thirty days from that date and not thereafter.".

4. **Insertion of new sections 7A and 7B.**—After section 7 of the principal Act, the following sections shall be inserted, namely :—

Power of Commissioner to inquire into disputes as to persons entitled to any amount—"7A. Where there is any dispute as to the person or persons who are entitled to any amount payable under this Act (including any dispute as to who are the legal representatives of any deceased claimant to the amount), the Commissioner may, after making such inquiry as he may deem fit, make the payment to such person as appears to him to be best entitled to receive the amount :

Provided that if the Commissioner is unable to determine as to who is the person entitled to the amount and considers that the matter could more appropriately be dealt with by the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated, he may refer such dispute to the said court, whose decision thereon shall be final:

Provided further that nothing contained herein shall affect the liability of any person, who may receive the whole or any part of the amount allowed under this Act, to pay the same to the person lawfully entitled thereto.

Deposit of amount in court.—7B. Where any dispute has been referred under section 7A by the Commissioner to the civil court referred to therein, he shall deposit the amount in that court.".

5. **Repeal and saving.**—(1) The Indian Iron and Steel Company (Acquisition of Shares) Amendment Ordinance, 1977, (15 of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Notification No. LAW 10 LCA 78.

Bangalore, dated 31st January 1978.

Ordered that the Enemy Property (Amendment) Act, 1977 (No. 40 of 1977) published in Part II. Section 1 of the *Gazette of India*, Extraordinary dated 16th December 1977 be re published in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

A. NEELAKANTARYA,

Under Secretary to Government,
Dept. of Law and Parliamentary Affairs.

THE ENEMY PROPERTY (AMENDMENT) ACT, 1977.

AN

ACT

to amend the Enemy Property Act, 1968.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Enemy Property (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 27th day of September, 1977.

2. **Amendment of long title.**— In the long title of the Enemy Property Act, 1968 (34 of 1968) (hereinafter referred to as the principal Act), after the words and figures "Defence of India Rules, 1962", the words and figures "and the Defence of India Rules, 1971" shall be inserted.

3. **Amendment of section 2.**—In clause (b) of section 2 of the principal Act, after the words and figures "Defence of India Rules, 1962", the words and figures "or the Defence of India Act, 1971 (42 of 1971) and the Defence of India Rules, 1971" shall be inserted.

4. **Amendment of section 3.**—In the proviso to section 3 of the principal Act, after the words and figures "Defence of India Rules, 1962", the words and figures "or the Defence of India Rules, 1971, as the case may be" shall be inserted.

5. **Amendment of section 4.**—In the proviso to section 4 of the principal Act, after the words and figure "Defence of India Rules, 1962", the words and figures "or the Defence of India Rules, 1971, as the case may be" shall be inserted.

6. **Amendment of section 5.**—Section 5 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted namely :—

"(2) Notwithstanding the expiration of the Defence of India Act, 1971 (42 of 1971) and the Defence of India Rules, 1971, all enemy property vested before such expiration in the Custodian of Enemy Property for India appointed under the said Rules and continuing to vest in him immediately before the commencement of the Enemy Property (Amendment) Act, 1977 shall, as from such commencement, vest in the custodian."

7. **Amendment of section 7.**—In section 7 of the principal Act, after the words and figures "Defence of India Rules, 1962", wherever they occur, the words and figures "or the Defence of India Rules, 1971, as the case may be" shall be inserted.

8. **Amendment of section 8.**—In sub-section (1) of section 8 of the principal Act, in clause (x), after the figures, letters and word

25th October, 1962", the words figures, and letters "or on the 3rd, December 1971" shall be inserted.

9. **Amendment of section 23.**—In sub-section (3) of section 23 of the principal Act, for the words "or in two successive sessons and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

10. **Amendment of section 24.**—Section 24 of the principal Act shall be renumbered as sub-section (1) thereof and after that sub-section as so renumbered, the following sub-section shall be inserted, namely :—

"(2) Every order which was made under the Defence of India Rules, 1971 by the Central Government or by the Custodian of Enemy Property for India appointed under those Rules relating to enemy property and which was in force immediately before the expiration thereof shall, in so far as such order is not inconsistent with the provisions of this Act, be deemed to continue in force and to have been made under this Act."

11. **Repeal and saving.**—(1) The Enemy Property (Amendment) Ordinance, 1977 (11 of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Notification No. LAW 11 LCA 78.

Bangalore, dated 2nd February 1978.

Ordered that the Payment of Bonus (Amendment) Act, 1977 (No. 43 of 1977) published in Part II, Section 1 of the *Gazette of India*, Extraordinary dated 24th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,
A. NEELAKANTARYA,
Under Secretary to Government,
41 *Department of Law and Parly. Affairs.*

Assented to on ....(Act No. 43 of 1977)

THE PAYMENT OF BONUS (AMENDMENT) ACT, 1977

(AS PASSED BY THE PARLIAMENT)

AN

ACT

further to amend the Payment of Bonus Act, 1965

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Payment of Bonus (Amendment Act, 1977.

(2) It shall be deemed to have come into force on the 3rd day of September, 1977.

2. **Act 21 of 1965 to have modified effect for a particular period.**—The Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act) shall,—

(a) in relation to a factory or other establishment to which the principal Act applies immediatly before the commencement of this Act ; and

(b) in relation to a banking company and the Industrial Reconstruction Corporation of India to which the principal Act applies on and from such commencement by virtue of this Act,

have effect in respect of the accounting year commencing on any day in the year 1976 as if the amendments specified in sections 3 to 20 had been made in that Act.

Explanation.—In this section, the expressions "banking company" and "accounting year shall have the meanings respectively assigned to them in clauses (8) and (1) of section 2 of the principal Act.

3. **Substitution of long title.**—In the principal Act, for the long title the following long title shall be substituted, namely :—

"An Act to provide for the payment of bonus to persons employed in certian establishments and for matters connected therewith.".

4. **Amendment of section 2.**—In section 2 of the principal Act, Act, in sub-clause (a) of clause (4), after the words "being a company", the brackets and words "(other than a banking company),' shall be inserted.

5. **Substitution new section for section 4. Computation of gross profits.**—For section 4 of the principal Act, the following section shall be substituted, namely :—

"4. The gross profits derived by an employer from an establishment in respect of the amounting year shall—

(a) in the case of a banking company, be calculated in the manner specified in the First Schedule ;

(b) in any other case, be calculated in the manner specified in the Second Schedule.".

6. **Amendment of section 6.**—In section 6 of the principal Act,—

(a) in clause (b), for the words "development rebate or development allowance", the words "development rebate or investment allowance", the words "development rebate or investment allowance or development allowance" shall be substituted;

(b) in clause (d), for the words "Second Schedule" the words "Third Schedule" shall be substituted.

7. **Amendment of section 7.**—In section 7 of the principal Act in clause (e), for the brackets and words "(other than development rebate or development allowance)", the brackets and words "(other than development rebate or investment allowance or development allowance)" shall be substituted.

8. **Amendment of section 10.**—In section 10 of the principal Act,—

(a) after sub-section (2), the following sub-section shall be inserted, namely:—

'(2A) Notwithstanding anything contained in sub-section (1) regarding the payment of minimum bonus, but subject to the other provisions of this Act, every employer shall be bound to pay to every employee a minimum bonus which shall be 8.33 per cent. of the salary or wage earned by the employee during the accounting year or one hundred rupees, whichever is higher, whether or not the employer has any allocable surplus in the accounting year:

Provided that where an employee has not completed fifteen years of age at the beginning of the accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "one hundred rupees", the words "sixty rupees" were substituted';

(b) in sub-section (3), for the words "Third Schedule", the words "Fourth Schedule" shall be substituted.

9. **Amendment of section .**—In section 15 of the principal Act, for the words "Third Schedule" wherever they occur, the words "Fourth Schedule" shall be substituted.

10. **Amendment of section 16.**—In section 16 of the principal Act, in sub-section (1B), for the words "Third Schedule" at both the places where they occur, the words "Fourth Schedule" shall be substituted.

11. **Amendment of section 21.**—In section 21 of the principal Act, in the *Explanation*, for the words and figures "sections 22 23 and 25", the words and figures "sections 22, 23, 24 and 25" shall be substituted.

12. **Amendment of section 23.**—In section 23 of the principal Act, in sub-section (1), for the word and figures "section 25", the words and figures "section 24 and 25" shall be substituted.

13. **Insertion of new section 24.**—After section 23 of the principal Act, the following section shall be inserted, namely:—

24. **Audited accounts of banking companies not to be questioned.**—(1) Where any dispute of the nature specified in section

22 between an employer, being a banking company, and its employees has been referred to the said authority under that section and during the course of proceedings the accounts of the banking company duly audited are produced before it, the said authority shall not permit any trade union or employees to question the correctness of such accounts, but the trade union or the employees may be permitted to obtain from the banking company such information as is necessary for verifying the amount of bonus due under this Act.

(2) Nothing contained in sub-section (1) shall enable the trade union or the employees to obtain any information which the banking company is not compelled to furnish under the provisions of section 34A of the Banking Regulation Act, 1949 (10 of 1949) ''

14. **Amendment of section 27.**—In section 27 of the principal Act, after sub-section (4), the following sub-section shall be inserted namely :—

"(5) Nothing contained in this section shall enable an Inspector to require a banking company to furnish or disclose any statement or information or to produce, or give inspection of, any of its books of account or other documents, which a banking company cannot be compelled to furnish, disclose, produce or give inspection of, under the provisions of section 34A of the Banking Regulation Act, 1949, (10 of 1949.)"

15. **Amendment of section 31A.**—In section 31A of the principal Act, in the proviso, for the words "Provided that", the words "Provided further that" shall be substituted and before the proviso as so amended, the following proviso shall be inserted, namely :—

"Provided that any such agreement or settlement whereby the employees relinquish their right to receive the minimum bonus under sub-section (2A) of section 10 shall be null and void in so far as it purports to deprive them of such right.".

16. **Amendment of section 32.**—In section 32 of the principal Act,—

(a) clause (vii) shall be omitted;

(b) in clause (ix),—

(i) sub-clause (ff) shall be omitted;

(ii) in sub-clause (g), after the words "final institution", the brackets and words "(other than a banking company)" shall be inserted.

17. **Substitution of new section for section 34.**- For section 34 of the principal Act, the following sections shall be substituted, namely :—

"34. **Employees and employers not to be precluded from entering into agreements for grant of bonus under a different formula.**—Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer for granting them an amount of bonus under a formula which is different from that under this Act:

Provided that no such agreement shall have effect unless it is entered into with the previous approval of the appropriate Government:

Provided further that any such agreement whereby the employees relinquish their right to receive the minimum bonus under sub-section (2A) of section 10 shall be null and void in so far as it purports to deprive them of such right:

Provided also that such employees shall not be entitled to be paid bonus in excess of—

(a) 8.33 per cent of the salary or wage earned by them during the accounting year if the employer has no allocable surplus in the accounting year or the amount of such allocable surplus is only so much that, but for the provisions of sub-section (2A) of section 10, it would entitle the employees only to receive an amount of bonus which is less than the aforesaid percentage; or

(b) twenty per cent. of the salary or wage earned by them during the accounting year.

34A. Effect of laws and agreements in consistent with the Act.—Subject to the provisions of sections 31A and 34, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award, agreement, settlement or contract of service.".

18. Amnedment of the First Schedule.—In the principal Act, the First Schedule shall be renumbered as the Second Schedule and,—

(a) in that Schedule as so renumbered—

(i) for the brackets, words and figure "(*See* section 4)", the brackets, words, figure and letter "[*See* section 4 (b)]" shall be substituted;

(ii) in column (2), against Item No. 2, for the entry "(d) Development rebate/Development allowance reserve.", the entry "(d) Development rebate/Investment allowance/Development allowance reserve," shall be substituted;

(b) before that Schedule as so renumbered, the following Schedule shall be inserted, namely :—

'THE FIRST SCHEDULE

[*See* section 4(*a*)]

COMPUTATION OF GROSS PROFITS

Accounting Year ending........................

Item No.	Particulars	Amount of sub-items	Amount of main, items	Remarks
		Rs.	Rs.	
*I.	*Net Profit* as shown in the Profit and Loss Account after making usual and necessary provisions.			
2.	*Add back* provision for :			
	(a) Bonus to employees			
	(b) Depreciation			
	(c) Development Rebate Resereve			*See* foot-note (I)
	(d) Any other reserves			*See* foot note (I)
	Total of Item No. 2	Rs.		
3.	*Add back* also :			
	(a) Bonus paid to employees in respect of previous accounting years			*See* foot-note (I)
	(b) The amount debited in respect of gratuity paidor payable to employees in excess of the aggregate of—			
	(i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund ; and			

1	2	3	4
	(ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason		
	(c) Donations in excess of the amount admissible for income-tax		
	(d) Captial expenditure (other than capital expenditure on scientific research which is allowed as a deduction under any law for the time being in force relating to direct taxes) and capital losses (other than losses on sale of capitals asset on which depreciation has been allowed for Incometax).		*See* foot-note (I)
	(e) Any amount certified by the Reserve Bank of India in terms of sub-section (2)of section 34A of the Banking Regulation Act, 1949. (10 of 1949)		
	(f) Losses of, or expediture relating to any business situated outside India.		
	Total of Item No. 3	Rs.	

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*Where the profit subject to taxation is shown in the Profit and Loss Account and the provision made for taxes on income is shown, the actual provision for taxes on income shall be deducted from the profit.

4.	*Add also* income, profits or gains (if any) credited directly to published or disclosed reserves, *other than*—		

1	2	3	4	5
	(i) capital receipts and capital profits (including profits on the sale of capital assets on which depreciation has not been allowed for income tax);			
	(ii) profits of, and receipts relating to, any business situated outside India;			
	(iii) income of foreign banking companies from investments outside India.			
	Net total of Item No. 4 ..	Rs.		
5.	Total of Item Nos. 1, 2, 3 and 4.	Rs.		
6.	*Deduct* :			
	(a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax) ..			*See* foot-note (2)
	(b) Profits of and receipts relating to any business situated outside India.			*See* foot-note (2)
	(c) Income of foreign banking companies from investments outside India.			*See* foot-note (2)
	(d) Expenditure or losses (if any) debited directly to published or disclosed reserves *other than*:—			
	(i) capital expenditure and capital losses (other than losses on sale of capital assets on which depreciation has not been allowed for income-tax);			

1	2	3		4
	(ii) losses of any business situated outside India.			
		Rs	Rs.	
	(e) In the case of foreign banking companies proportionate administrative (overhead) expenses of Head Office allocable to Indian business.			See foot-note (3)
	(f) Refund of any excess direct tax paid for previous accounting years and excess provision, if any of previous accounting years relating to bonus, depreciation, or development rebate, if written back.			See foot-note (2)
	(g) Cash subsidy, if any, given by the Government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes.			See foot-note (2)
	Total of Item No. 6	Rs.		
7	Grossprofits for purposes of bonus (Item No. 5 minus Item No. 6)	Rs.		

Explanation.—In sub-item (b) of item 3, "approved gratuity fund" has the same meaning assigned to it in clause (5) of section 2 of the Income-tax Act.

Foot-notes—

(1) If, and to the extent charged to Profit and Loss Account.

(2) If and to the extent, credited to Profit and Loss Account.

(3) In the proportion of Indian Gross Profit (Item No. 7) to Total World Gross Profit (as per Consolidated Profit and Loss Accounts, adjusted as in Item No. 2 above only).

19. **Amendment of the Second Schedule.**—In the principal Act, the Second Schedule shall be renumbered as the Third Schedule and in that Schedule as so renumbered,—

(a) in column (2), against Item No. I, for the word "Company", the words "Company, other than a banking company" shall be substituted;

(b) after Item No. I and the entries relating thereto, the following item and entries shall be inserted, namely:—

Item No.	Particulars	Amount of sub-items	Amount of main items	Remarks
"2.	Banking company	(i) The dividends payable on its preference share capital for the accounting year calculated at the rate at which such dividends are payable; (ii) 7.5 per cent. of its paid up equity share capital at the commencement of the accounting year; (iii) 5 per cent. of its reserves shown in its balance-sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year; (iv) any sum which in respect of the accounting year, is transferred by it — (a) to a reserve fund under sub-section (1) of section 17 of the Banking Regulation Act 1949 (10 of 1949); or (b) to any reserves in India in pursuance of any direction or advice given by the Reserve Bank of India, Whichever is higher: Provided that, where the banking company is a foreign company within the meaning of section 591 of the Companies Act, 1956, (1 of 1956) the amount to be deducted		

(1)	(2)	(3)
		under this Item shall be the aggregate of— (i) the dividends payable to its preference shareholders for the accounting year at the rate at which such dividends are payable on such amount as bears the same proportion to its total preference share capital as its total working funds in India bear to its total world working funds, (ii) 7.5 per cent. of such amount as bears the same proportion to its total paid up equity share capital as its total working funds in India bear to its total world working funds; (iii) 5 percent. of such amount as bears the same proportion to its total disclosed reserves as its total working funds in India bear to its total world working funds; (iv) any sum which, in respect of the accounting year, is deposited by it with the Reserve Bank of India under sub-clause (ii) of clause (b) of sub-section (2) of section 11 of the Banking Regulation Act, 1949, (10 of 1949) not exceeding the amount required under the aforesaid provision to be so deposited.";

(c) in the *Explanation*, for the figures, brackets and word "1 (iii) and 3 (ii)", the figures, brackets and word "1 (iii), 2 (iii) and 3 (ii)" shall be substituted.

20. Amendment of the Third Schedule.—In the principal Act, the Third Schedule shall be renumbered as the Fourth Schedule.

21. Repeal and saving.—(1) The Payment of Bonus (Amendment) Ordinance, 1977 (9 of 1977) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, by virtue of the amendments thereto made by the said Ordinance shall be deemed to have been done or taken under the principal Act by virtue of the corresponding amendments thereto made by this Act.

GOVERNMENT OF KARNATAKA

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 15 LCA 78

Bangalore, dated 2nd February 1978.

Ordered that the Supreme Court (Number of Judges) Act, 1977 (No. 48 of 1977) published in Part II, Section 1 of the *Gazette of India, Extraordinary* dated 31st December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

43

Assented to on 31st December 1977 Act No. 48 of 1977.

THE SUPREME COURT (NUMBER OF JUDGES) AMENDMENT ACT, 1977

An

Act

further to amend the Supreme Court (Number of Judges) Act, 1956.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Supreme Court (Number of Judges) Amendment Act, 1977.

2. Amendment of Section 2.—In section 2 of the Supreme Court (Number of Judges) Act, 1956, (55 of 1956) for the word "thirteen" the word "seventeen" shall be substituted.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 9 LCA 1978 (II)

Bangalore, dated 7th February 1978.

Ordered that the Smith, Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Act 1977 (No. 41 of 1977) published in Part II. Section 1 of the Gazette of India, extraordinary dated 19th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

A. NEELAKANTAYA,
Under Secretary to Government.
Deptt. of Law and Parly. Affairs.

Assented on 17th December 1977 Act No. 41 of 1977

THE SMITH, STANISTREET AND COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1977

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2. Definitions.

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5. Central Government or Government company not to be liable for prior liabilities.
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7. Payment of amount.
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9. Management etc., of the undertakings of the Company.
10. Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.
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19. Examination of claims.
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CHAPTER VII

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27. Penalties.
28. Offences by companies.
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THE SCHEDULE.

THE SMITH STANISTREET AND COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1977

(AS PASSED BY THE HOUSES OF PARLIAMENT)

AN

ACT

to provide for in the public interest, the acquisition and transfer of the right, title and interest of the undertakings of Messrs. Smith, Stanistreet and Company Limited Calcutta and for matters connected therewith or incidental thereto

WHEREAS Messrs. Smith, Stanistreet and Company Limited, Calcutta were engaged in the manufacture and distribution of pharmaceuticals and chemicals which are essential to meet the needs of the public;

AND WHEREAS the management of the undertakings of the Company was in a manner highly detrimental to the public interest and had suffered heavy losses;

AND WHEREAS the management of the Company was taken over by the Central Government under section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS for the purpose of reconstructing and rehabilitating the undertakings of the Company so as to subserve the interest of the general public by the augmentation and distribution of the different varieties of essential pharmaceuticals and chemicals produced by the said Company, and to ensure the continued supply thereof, it is necessary to acquire the right, title and interest of the undertakings of Messrs. Smith, Stanistreet and Company Limited, Calcutta;

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short Title and Commencement.—(1) This Act may be called the Smith, Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Act, 1977.

(2) It shall be deemed to have come into force on the 1st day of October, 1977.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 1st day of October, 1977;

(b) "Company" means the Smith, Stanistreet and Company Limited, being a company as defined in the Companies Act, 1956 (1 of

1956) and having its registered office at 18, Convent Road, Calcutta-700014;

(c) "Commissioner" means the Commissioner of Payments appointed under section 14;

(d) "notification" means a notification published in the Official Gazette;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "specified date" means such date as the Central Government may for the purposes of any of the provisions of this Act, by notification, specify and different dates may be specified for different provisions of this Act;

(g) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956) have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. **Transfer to and vesting in Central Government of the undertakings of the Company** :—On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, be transferred to, and shall vest in, the Central Government.

4. **General effect of vesting** :—(1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting it, and any attachment, injunction or decree or order of any court restricting the use of such property in any manner or appointing any receiver in respect of the whole or any part of such property shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed

an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in section 7, and also out of the monies determined under section 8, but, no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) If on the appointed day, any suit, appeal or other proceeding by or against the Company, of whatever nature in relation to any property which has vested in the Central Government, under section 3, is pending, the same shall not abate be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Company.

5. Central Government or Government Company not to be liable for prior liabilities.—(1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in a Government company, against that Government company.

(2) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this Act, no liability of the Company in relation to its undertaking in respect of any period prior to the appointed day, shall be enforceable against the Central Government or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute, which arose before that day, shall be enforceable against the Central Government or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company.

(c) no liability incurred by the Company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6 to vest in a Government company, against that Government company.

6. **Power of Central Government to direct vesting of the undertakings of the Company in a Government company** :—(1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings which have vested in that Government under section 3, shall, instead of continuing to vest in that Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings vest in a Government company under sub-section (1) the Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting be deemed to have become the rights and liabilities, respectively, of the Government company.

CHAPTER-III

PAYMENT OF AMOUNTS

7. **Payment of amount** :—For the transfer to, and vesting in, the Central Government, under section 3 of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be given by the Central Government to the Company, in cash, and in the manner specified in Chapter VI, an amount of three crores and seventy-four thousand rupees.

8. **Payment of further amount** :—(1) For the deprivation of the Company of the management of its undertakings, there shall be given to the Company by the Central Government an amount calculated at the rate of ten thousand rupees per annum for the period commencing on the date on which the management of the undertakings of the Company was taken over by the Central Government and ending on the appointed day.

(2) The amount specified in section 7 and the amount determined under sub-section (1) shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which the payment of the amount is made by the Central Government to the Commissioner.

(3) The amount determined in accordance with the provisions of sub-sections (1) and (2) shall be given by the Central Government to the Company in addition to the amount specified in section 7.

(3) For the removal of doubts, it is hereby declared that the liabilities of the Company in relation to its undertakings which have vested in the Central Government under section 3, shall be discharged form the amount referred to in section 7, and also from the amounts determined under sub-sections (1) and (2), in accordance with the rights and interests of the creditors of the Company.

CHAPTER IV

MANAGEMENT ETC., OF THE UNDERTAKINGS OF THE COMPANY

9. Management, etc., of the undertakings of the Company.—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

(a) where a direction has been issued by the Central Government under sub-section (1) of section 6, vest in the Government company specified in such direction; or

(b) where no such direction has been issued by the Central Government vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian so appointed, as the case may be shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian of the undertakings of the Company in relation to which no direction has been issued by it under sub-section (1) of section 6.

10. Duty of persons in chage of management of the undertakings of the Company to deliver all assets etc.—(1) On the vesting of the management of the undertakings of the Company in a Government company or on the appointment of a Custodian, all persons in charge of the management of the undertakings of the Company immediately before such vesting or appointment, shall be bound to deliver to the Government company or the Custodian as the case may be all assets, books of account, registers or other documents in their custody relating to the undertakings of the Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or the Custodian as to its or his powers and duties and the Government company or Custodian may also, if it or he so desires, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the

company shall be conducted by it or him or in relation to any other matter arising in the course of such management.

(3) The Custodian shall receive from the funds of the undertakings of the Company such remuneration as the Central Government may fix and shall hold office during the pleasure of the Government.

11. **Accounts and audit.**—The Custodian of the undertakings of the Company shall maintain the accounts of the undertakings of the Company in such form and in such manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956, (1 of 1956), shall apply to the audit of the accounts so maintained as they apply to the audit of the accounts of a company.

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF THE COMPANY

12. **Employment of employees to continue.**—(1) Every person who has been, immediately before the appointed day employed by the Company in relation to its undertakings, shall become, on and from the appointed day, an employee of the Central Government or, as the case may be, of the Government company referred to in section 6 and shall hold office or service under the Central Government or Government company, as the case may be, with the same remuneration and upon the same terms and conditions with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly terminated or until his remuneration, terms and conditions of service are duly altered by the Central Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force the transfer of the services of any officer or other person employed in the undertakings of the Company to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

13. **Provident and other funds.**—(1) Where the Company has established a provident, superannuation, welfare or other fund for the benefit of the persons employed in the undertakings of the Company, the monies relatable to the employees, whose services have become transferred by or under this Act to the Central Government or Government company shall, out of the monies standing, on the appointed day to the credit of such provident superannuation, welfare

or other fund, stand transferred to, and shall vest in, the Central the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or the Government company in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

14. **Appointment of Commissioner of Payments.**—(1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under sections 7 and 8, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. **Payment by the Central Government to the Commissioner.**—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company—

(a) an amount equal to the amount specified in section 7; and

(b) an amount equal to the amount payable to the Company under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner, shall be deposited by him to the credit of the said account and the said deposit account shall be operated by the Commissioner.

(3) Interest accruing on the amounts standing to the credit of the deposit account referred to in sub-section (2) shall ensure to the said account.

16. Certain powers of the Central Government or Government company.—(1) The Central Government or the Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company in relation to its undertakings which have vested in the Central Government, or the Government company, realised after the appointed day notwithstanding that the realisations pertain to a period prior to the appointed day.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company, in relation to any period prior to the appointed day; and every such claim shall have priority, in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

17. Claims to be made to the Commissioner.—Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

18. Priority of claims.—The claims arising out of the matters specified in the Schedule shall have priorities in accordance with the following principles, namely:—

(a) category I will have precedence over all other categories and category II will have precedence over category III, and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly;

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category;

19. Examination of claims.—(1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priority specified in the Schedule and examine the same in accordance with with such order of priorities.

(2) If, on examination of the claims, the Commissioner is of the opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the liabilities in respect of such lower category.

21. Admission or rejection of claims.—(1) After examining the claims with reference to the priority set out in the Schedule, the Commissioner shall fix a date on or before which every claimant shall file the proof of his claim, failing which he shall be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen day's notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in English language and in one issue of the daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code 45 of 1860 and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the

principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, the appeal shall lie to the High Court at Calcutta and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

21. **Disbursement of money by Commissioner to claimants** :—After admitting a claim under this Act, the amount due in respect of such claims shall be paid by the Commissioner to the person or persons to whom such sums are due, and, on such payment, the liability of the Company in respect of such claim shall stand discharged.

22. **Disbursement of amounts to the Company** :—(1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where any machinery, equipment or other property has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or the Government company to continue to posses such machinery, equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the 4th day of May, 1972.

23. **Undisbursed or unclaimed amount to be deposited with the general revenue account** :—Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the last day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

24. **Assumption of liability** :—(1) Where any liability of the Company arising out of all or any of the items specified in category I, category II category III or category IV of the Schedule are not discharged fully by the Commissioner out of the amount paid to him under this Act, the Commissioner shall intimate, in writing to the Central Government the extent of the liability which remains undischarged, and that liability shall be assumed by the Central Goverement.

(2) The Central Government may, by order, direct the Government company to take over any liability assumed by that Government under sub-section (1), and on receipt of such direction, it shall be the duty of the Government company to discharge such liability.

CHAPTER VII

MISCELLANEOUS

25. **Act to have over-riding effect.**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

26. **Contracts to cease to have effect unless ratified by the Central Government or Government Company.**—(1) Every contract entered into by the Company in relation to its undertakings for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from that day, cease to have effect, unless such contract is before the expiry of the period, ratified, in writing, by the Central Government or Government company, and, in ratifying such contract, the Central Government or Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or the Government company shall not omit to ratify a contract, and, shall not make any alteration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith, or is detrimental to the interests of the Central Government or Government company.

(2) The Central Government or Government company shall not omit to ratify a contract, and shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contrrct or for making any alteration or modification therein.

27. **Penalties.**—Any person who,—

(a) having in his possession, custody or control any property forming part of the undertakings of the Company, wrongfully withholds such property from the Central Government or the Government company or any person or body of persons authorised by that Goverment or Goverment company; or

(b) wrongfully obtains possession of, or retains, any property forming part of the undertakings of the Company or willfully withholds or fails to furnish to the Central Government, or the Government company or any person or body of persons authorised by that Government or Government company any document relating to such undertakings which may be in his possession, custody or control or fails to deliver to the Central Government or the Government company or any person or body of persons authorised by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to the undertakings of the Company ; or

(e) wrongfully removes or destroys any property forming part of the undertakings of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate.

Shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

28. **Offences by companies.**—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director", in relation to a firm, means a partner in the firm.

29. **Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Custodian of the undertakings of the Company or the Government company or any officer or other person authorised by that Government or the Government company for anything which is in good faith done or intended to be done under this Act.

30. **Delegation of powers.**—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the power conferred by section 31, may also be exercised by any person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

31. **Power to make rules.**—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the time within which and the manner in which an intimation referred to in sub-section (1) of section 4 shall be given;

(b) the form and the manner in which, and the conditions under which, the Custodian shall maintain accounts as required by section 11;

(c) the manner in which monies in any provident or other fund referred to in section 13 shall be dealt with;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. **Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

33. **Declaration as to policy of the State.**—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

Explanation.—In this section "State" has the meaning as in article 12 of the Constitution.

34. **Repeal and saving.**—(1) The Smith Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1977, (13 of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

(*See* sections 18, 19, 20, 22, and 24)

ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

PART 'A'

POST-TAKE-OVER MANAGEMENT PERIOD

Category I

(a) Wages, salaries and other dues of the employees of the company.

(b) Loans advanced by the Central Government.

(c) Loans advanced by Indian Drugs and Pharmaceuticals Limited.

(d) Loans advanced by banks guaranteed by the Central Government.

(e) Credit availed of for purposes of trade or manufacturing operations.

Category II

(a) Revenue, taxes, cesses, rates or other dues to the Central Government or a State Government.

(b) Sales tax, rates and taxes, contribution to be made to the Employees, State Insurance Fund and Additional Dearness Allowances payable to employees.

PART 'B'

PRE-TAKE-OVER MANAGEMENT PERIOD

Category III

Arrears in relation to provident fund, salaries and wages and other amounts due to employees of the Company.

Category IV

Principal amount due in relation to all secured loans.

Category V

Amounts due by way of interest due in relation to the secured loans referred to in category IV.

Category VI

Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

Category VII

(a) Any credit availed of for purposes of trade or manufacturing operations.

(b) Any other dues.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 9 LCA 78. (I)

Bangalore, dated 6th February 1978.

Ordered that the Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Act, 1977 (No. 42 of 1977) published in Part II, Section 1 of the *Gazette of India* Extraordinary dated 22nd December 1977 be re published in the *Karnataka Gazette* for general information.

By order and in the name of the President of India,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs

Assented to on dated 20-12-1977 Act No. 42 of 1977

THE GRESHAM AND CRAVEN OF INDIA (PRIVATE) LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS ACT, 1977

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THE SCHEDULE.

THE GRESHAM AND CRAVEN OF INDIA (PRIVATE) LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT 1977

AN

ACT

to provide for the acquisition and transfer of the undertakings of Messrs. Gresham and Craven of India (Private) Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the Railways and of the industries manufacturing engineering products and for matters connected therewith or incidental thereto.

WHEREAS Messrs, Gresham and Craven of India (Private) Limited were engaged in the manufacture and production of components of rolling stock like vacuum brake equipment, ejectors, steam brake valves and vacuum exhausters and the like needed by the Railways and the industries manufacturing Engineering products;

AND WHEREAS as a result of the losses suffered by the Company, there had been a closure of the works owned by the Company;

AND WHEREAS for the purpose of speedily bringing the closed works of the Company into operation, the management of the undertakings of the Company was taken over by the Central Government for a limited period under section 18A of the Industries (Development and Regulation) Act, 1951; (65 of 1951)

AND WHEREAS it is necessary to acquire the undertakings of the Company to ensure the continuance of the production of goods which are vital to the needs of the Railways and of the industries manufacturing engineering products;

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Act, 1977.

(2) The provisions of sections 28 and 29 shall be deemed to have come into force on the 30th day of September, 1977 and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of August, 1977.

2. Definitions.—In this Act, unless the context otherwise requires —

(a) "appointed day" means the 1st day of August, 1977;

(b) "Braithwaite and Company Limited" means the Government company known as the Braithwaite and Company Limited in which the undertakings of the Braithwaite and Company (India) Limited together with the right, title and interest of the said Company thereon vested with effect from the 1st day of December 1976 in pursuance of the notification of the Government of India in the Ministry of Industry (Department of Heavy Industry) No. S.O. 771 (E), dated the 3rd December, 1976, issued under sub-section (1) of section 6 of the Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Act, 1976. (96 of 1976).

(c) "Commissioner" means the Commissioner of Payments appointed under section 14;

(d) "Company" means the Gresham and Craven of India (Private) Limited, being a company as defined in the Companies Act, 1956, (1 of 1956) and having its registered office at 22-Gobra Road, Calcutta-14;

(e) "Government company" has the meaning assigned to it by section 617 of the Companies Act, 1956; (1 of 1956)

(f) "notification" means a notification published in the Official Gazette;

(g) "Ordinance" means the Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1977; (14 of 1977).

(h) "prescribed" means prescribed by rules made under this Act;

(i) "specified date" means such date as the Central Government may, for the purpose of any provision of this Act, by notification, specify and different dates may be specified for different provisions of this Act;

(j) words and expressions used herein and not defined but defined in the Companies Act, 1956, (1 of 1956) shall have the meanings, respectively, assigned to them in that Act.

CHAPTER-II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3 **Transfer of and vesting in the Central Government of the undertakings of the Company.**—On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act stand transferred to, and shall vest in the Central Government.

4 **General effect of vesting.**—(1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops stores, instruments machinery and equipment, cash balances, cash on hand, reserve funds

investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties as aforesaid, which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them, and any attachment, injunction or decree order of any court restricting the use of such property in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgage of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interset in, or in relation to, any such property, shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amounts specified in section 8 and also out of the monies determined under section 9, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relating to any property which has vested in the Central Government, under section 3, instituted or preferred by or against the Company is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7, to vest in a Government company, that Government company.

5. **Central Government or the Braithwaite and Company Limited or the Government company not to be liable for prior liabilities** :—(1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or the Braithwaite and Company Limited, or where the undertakings of the Comany are directed, under section 7, to vest in a Government company, against that Government company.

(2) For the removal of doubts, it is hereby declared that.—

(a) save as otherwise expressly provided in this Act, no liability of the Company in respect of any period prior to the appointed day shall be enforceable against the Central Government, or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7, to vest in a Government company, against that Government company.

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute which arose before that day shall be enforceable against the Central Government or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7 to vest in a Government company, against that Government company;

(c) no liability incurred by the Company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or the Braithwaite and Company Limited, or, where the undertakings of the Company are directed, under section 7, to vest in a Government company, against that Government company.

6. **Vesting of the undertakings of the Company in the Braithwaite and Company Limited.**-(1) Notwithstanding anything contained in sections 3 and 4, the Central Government shall, as soon as may be, after the promulgation of the Ordinance, direct by notification that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the Braithwaite and Company Limited either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertaking vest in the Braithwaite and Company Limited under sub-section (1), the Braithwaite and Company Limited, shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Braithwaite and Company Limited.

7. **Power of Central Government to direct vesting of the undertakings of the Company in a Government company.**—(1) Notwithstanding anything contained in sections 3, 4 and 6, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions

as that Government may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3 and thereafter in the Braithwaite and Company Limited, under section 6, shall, instead of continuing to vest in the Braithwaite and Company Limited, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting be deemed to have become the owner in relation to such undertakings and all the rights and liabilities of the Central Government or the Braithwaite and Company Limited in relation to such undertakings, shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

CHAPTER III

PAYMENTS OF AMOUNTS

8. **Payment of Amount.**—For the transfer to, and vesting in, the Central Government, under section 3, of undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be given, by the Central Government, to the Company, in cash, and in the manner specified in Chapter VI, an amount of rupees one hundred and seventy-six lakhs.

9. **Payment of further amount.**—(1) For the deprivation of the Company of the management of its undertakings, there shall be given to the Company by the Central Government an amount calculated at the rate of rupees fifty thousand per annum for the period commencing on the date on which the management of the undertakings of the Company was taken over by the Central Government and ending on the appointed day.

(2) In consideration of the retrospective operation of the provisions of sections 3, 4 and 5, there shall also be given, in cash, by the Central Government to the Company, an amount equal to an amount calculated at the rate of rupees fifty thousand per annum for the period commencing on the appointed day and ending on the date of promulgation of the Ordinance.

(3) The amount specified in section 8 and the amount determined under sub-sections (1) and (2) shall carry simple interest at the rate of four per cent per annum for the period commencing on the date of promulgation of the Ordinance and ending on the date on which payment of such amounts is made by the Central Government to the Commissioner.

(4) The amounts determined in accordance with the provisions of sub-sections, (1) (2) and (3) shall be given by the Central Government to the Company in addition to the amount specified in section 8.

(5) For the removal of doubts, it is hereby declared that the liabilities of the Company, in relation to its undertakings which have vested in the Central Government under section 3, shall be discharged from the amounts referred to in section 8, and also from the amounts determined under sub-sections (1), (2) and (3) in accordance with the rights and interests of the creditors of the Company.

CHAPTER IV

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

10. Management, etc., of the undertakings of the Company.—(1) The Braithwaite and Company Limited in which the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings vested under section 6 shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

(2) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested, under section 3, in the Central Government and, under section 6, in the Braithwaite and Company Limited shall, where a direction has been made by the Central Government under sub-section (1) of section 7, vest in the Government company specified in such direction, and thereupon the Government company so specified shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

11. Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.—(1) On the vesting of the management of the undertakings of the Company in the Braithwaite and Company Limited, all persons in charge of the management of the undertakings of the Company immediately before such vesting shall be bound to deliver to the Braithwaite and Company Limited all assets, books of account, registers or other documents in their custody relating to the undertakings of such Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Braithwaite and Company Limited as to its powers and duties and the Braithwaite and Company Limited may also, if it so desires, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted by it or in relation to any other matter arising in the course of such management.

(3) On the vesting of the management of the undertakings of the Company in a Government company the provisions of sub-sections (1) and (2) shall apply to, or in relation to, the Government company as they apply to, or in relation to, the Braithwaite and Company Limited, subject to the modification that the references to the Braithwaite and Company Limited shall be construed as references to the Government company.

CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

12. **Employment of certain employees to continue.**—(1) Every person who has been, immediately before the appointed day, employed in any undertaking of the Company shall become, on and from the appointed day or such later date, as the case may be, an employee of the Braithwaite and Company Limited, or, as the case may be, of the Government company in which the right, title and interest of the Company pany in relation to its undertakings, have vested under this Act, and shall hold office or service under the Braithwaite and Company Ltd, or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Braithwaite and Company Limited, or the Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Braithwaite and Company Limited, or by the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company to the Braithwaite and Company Limited, or the Government company, shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(3) Where, under the terms of any contract of service or otherwise any person whose services become transferred to the Braithwaite and Company Limited or the Government company, by reason of the provisions of this Act, is entitled to the any arrears of salary or wages or any payments for any leave not availed of or any other payment, not being payment by way of gratuity or pension, such person may enforce his claim against the Company, but not against the Central Government, or the Braithwaite and Company Limited, or the Government company.

13. **Provident fund and other funds.**—(1) Where the Company has established a provident fund, superannuation fund, welfare fund

or other fund for the benefit of the persons employed in any of the undertakings of the Company, the monies relatable to the officers or other employees, whose services have become transferred by or under this Act to the Braithwaite and Company Limited, or the Government company, shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and shall vest in the Braithwaite and Company Limited, or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Braithwaite and Company Limited, or the Government company as the case may be, shall be dealt with by the Braithwaite and Company Limited, or the Government company, in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

14. Appointment of Commissioner of Payments.—(1) The Central Government shall, for the purpose of the disbursing the amounts payable to the Company under sections 8 and 9 by notification appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exerciseable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exerciseable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15 Payment by the Central Government to the Commissioner (1) The Central Government shall within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company—

(a) an amount equal to the amount specified in section 8, and

(b) an amount equal to the amount payable to the Company under section 9.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

16. **Certain powers of the Central Government or Braithwaite and Company Limited or Government company.**—(1) The Central Government, or the Braithwaite and Company Limited, or the Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to its undertakings which have vested in the Central Government, or the Braithwaite and Company Limited, or the Government company, realised after the appointed day notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government, or the Braithwaite and Company Limited, or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government, or the Braithwaite and Company Limited, or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

17. **Claims to be made to the Commissioner.**—Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date :

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days he may entertain the claim within a further period of thirty days and not thereafter.

18. **Priority of claims.**—The claims arising out of the matters specified in the Schedule shall have priorities in accordance with the following principles, namely :—

(*a*) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on ;

(*b*) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly ;

(*c*) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

19. **Examination of claims.**—(1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of claims. priorities.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

20. **Admission or rejection of claims.**—(1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim failing which he will be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of a daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by Commissioner.

(4) The Commissioner shall, after such investigation as may in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, (5 of 1908) while trying a suit, in respect of the following matters, namely :—

(a) the summoning and enforcing the attendance of any witness and examining him on oath ;

(b) the discovery and production of any document or other material object producible as evidence ;

(c) the reception of evidence on affidavits ;

(d) the issusing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code 45 of 1860 and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973, (2 of 1974.)

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated :

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, the appeal shall lie to the High Court at Calcutta, and such appeal shall be heard and dispsoed of by not less than two Judges of that High Court.

21 Disbursement of money by the Commissioner to claimants :- After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such sums are due, and, on such payment, the liability of the Company in respect of such claim shall stand discharged.

22 Disbursement of amounts to the Company.—(1) If, out of the monies paid to him in relation to the undertakings of the Company there is a balance left after meeting the liabilities as specified in the Schedule the Commissioner shall disburse such balance to the Company.

(2) Where the possession of any machinery, equipment or other property, has vested in the Central Government or the Braithwaite and Company Limited, or the Government company, under this Act, but such machinery, aquipment or other property does not belong to the Company, it shall be lawful for the Central Government or the Braithwaite and Company Limited, or the Government company to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

23. Undisbursed or unclaimed amount to be deposited to the general revenue account .—Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the last day on which the disbursement was made shall be transferred by the Commissioner to the general revenue account of the Central Government ; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

CHAPTER VII

MISCELLANEOUS

24. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

25. Contracts to cease to have effect unless ratified by the Central Government or Braith-waite and Company Limited or Government company.—(1) Every contract entered into by the Company in relation to its undertakings for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the date of promulgation of the Ordinance, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing by the Central Government, or the Braithwaite and Company Limited, or the Government company, and, in ratifying such contract, the Central Government, or the Braithwaite and Company Limited, or the Government company may make such alteration or modification therein as it ay think fit:

Provided that the Central Government, or the Braithwaite and Company Limited, or the Government company shall not omit to ratify a contract, and shall not make any alteration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government, or the Braithwaite and Company Limited, or the Government company.

(2) The Central Government, or the Braithwaite and Company Limited, or the Government company shall not omit to ratify a contract, and shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording, in writing, its reasons for refusal to ratify the contract or for making any alteration or modification therein.

26. Protection of action taken in good faith.—(1) No suit, prosecution, or other legal proceeding shall lie against the Central Government or any officer of that Government, or the Braithwaite and Company Limited, or the Government company, or any officer or other person authorised by that Government, or the Braithwaite and Company Limited, or the Government company, for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees, or the Braithwaite and Company Limited, or the Government company, or any officer or other person authorised by the Braithwaite and Company Limited, or the Government company, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

27. **Delegation of powers**.—(1) The Central Government may, by notification, direct that all or any of the powers exerciseable by it under this Act, other than the power conferred by section 30, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

28. **Penalties**.—Any person who,—

(a) having in his possession, custody or control any property forming part of any undertaking of the Company, wrongfully withholds such property from the Central Government, or the Braithwaite and Company Limited, or the Government company; or

(b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of the Company or wilfully withholds or fails to furnish to the Central Government, or the Braithwaite and Company Limited, or the Government company, or any person or body of persons specified by that Government, or the Braithwaite and Company Limited, or the Government company, any document relating to such undertaking which may be in his possession, custody or control or fails to deliver to the Central Government, or the Braithwaite and Company Limited, or the Government company or any person or body of persons specified by that Government, or the Braithwaite and Company Limited, or the Government company, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertaking of the Company; or

(c) wrongfully removes or destroys any property forming part of any undertaking of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate;

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

29. **Offences by companies**.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary, or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.

30. Power to make rules.—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the time within which, and the manner in which, an intimation shall be given to the Commissioner under sub-section (3) of section 4;

(b) the manner in which the monies in any provident fund or other fund referred to in section 13 shall be dealt with;

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

32. **Declaration as to the policy of the State.**—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

Explanation.—In this section, "State" has the same meaning as in article 12 of the Constitution.

33. **Repeal and saving**.—(1) The Gresham and Craven of India (Private) Limited (Acquisition and Transfer of undertakings) Ordinance, 1977 (14 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

(*See* sections 18, 19, 20 and 22)

ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

PART A

Post-take-over management period

Wages, salaries and other dues of the employees of the Company.

Category I

Wages, salaries and other dues of the employees of the Company.

Category II

(i) Loans advanced by the Central Government.

(ii) Loans advanced by Banks.

Category III

Any credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.

Category IV

Any other loans.

Category V

Revenue, taxes, cesses, rates or any other dues to the Central Government or a State Government.

PART B

Pre-take-over management Period

Category VI

Arrears in relation to contributions to be made by the Company to the provident fund, salaries, wages and other amounts due to the employees of the Company,

Category VII

Overdrafts from Banks.

Category VIII

Revenue, taxes, cesses, rates or any other dues to the Centra Government, a State Government, a Local Authority or a State Electricity Board.

Category IX

(i) Any credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.

(ii) Any other dues.

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PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

GOVERNMENT OF KARNATAKA

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 16 LCA 1978.

Bangalore dated 1st March 1978.

Ordered that the Inland Steam-Vessels (Amendment) Act, 1977 published in Part II, Section 1 of the Gazette of India, Extraordinary dated 7th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
46 *Deptt. of Law and Parly. Affairs.*

Assented to on 7th December 1977 Act No. 35 of 1977

THE INLAND STEAM-VESSELS (AMENDMENT) ACT, 1977

AN

Act

further to amend the Inland Steam-vessels Act, 1917.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. **Short title and commencement** :—(1) This Act may be called the Inland Steam-vessels (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. **Amendment of long title** :—In the Inland Steam-vessels Act, 1917 (1 of 1917). (hereinafter referred to as the principal Act). in the long title, for the words "Inland Steam-vessels", the words "Inland Vessels" shall be substituted.

3. **Amendment of preamble** :—In the preamble to the principal Act, for the words "inland steam-vessels", the words "inland vessels" shall be substituted.

4. **Amendment of section 1.**—In section 1 of the principal Act, in sub-section (1), for the words "Inland Steam-vessels", the words "Inland Vessels" shall be substituted.

5. **Substitution of references to steam vessel by mechanically propelled vessel.**—Throughout the principal Act, except in the long title, preamble and section 1, for the words "steam-vessel" and "steam-vessels" wherever they occur, the words "mechanically propelled vessel" and "mechanically propelled vessels" shall, respectively, be substituted.

6. **Amendment of Section 2** :—Section 2 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so renumbered—

(a) for clause (1), the following clause shall be substituted, namely :—

(a) "inland vessel" or "inland mechanically propelled vessel" means a mechanically propelled vessel which ordinarily plies on any inland water ; ' ;

(b) clause (2) shall be lettered as clause (b) :

(c) after clause (b) as so lettered, the following clause shall be inserted, namely :—

'(c) "mechanically propelled vessel" means every description of vessel popelled wholly or in part by electricity, steam or other mechanical power ;';

(d) clauses (3) and (4) shall be lettered as clauses (d) and (e) respectively ;

(e) clause (5) shall be omitted ;

(f) clauses (6), (7) and (8) shall be lettered as clauses (f), (g) and (h) respectively ;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) Any reference to the Inland Steam-vessels Act, 1917, (1 of 1917), in any law for the time being in force or in any instrument or other document shall be construed as a reference to the Inland Vessels Act, 1917.".

7. **Amendment of Section 7** :—In section 7 of the principal Act,—

(i) in item (iii), the word "and" occurring at the end shall be omitted ;

(ii) after item (iii), the following item shall be inserted namely:—

"(iiia) the nature and quantum of cargo which the mechanically propelled vessel is, in the judgement of the surveyor, fit to carry ; and".

8. **Amendment of section 19E.**—In section 19E of the principal Act, in sub-section (2), for the words and figures "registered under the Indian Companies Act, 1913", (7 of 1913). the words and figures "within the meaning of section 3 of the Companies Act, 1956" (1 of 1956) shall be substituted.

9. **Omission of section 19G.**—Section 19G of the principal Act shall be omitted.

10. **Amendment of section 19-I.**—In section 19-1 of the principal Act,—

(i) in sub-section (2),—

(a) for the words "inland waters of more than one State", the words "inland waters of any other State" shall be substituted.

(b) the proviso shall be omitted ;

(*ii*) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) When an inland mechanically propelled vessel registered in one State has been kept in another State for a period exceeding twelve months, the owner or master of the vessel shall make an application under section 19K to the registering authority, within whose jurisdiction the vessel then is, for the transfer of registry from the registering authority of the place where the vessel is registered."

11. **Amendment of section 19K.**—In section 19K of the principal Act.—

(*i*) in sub-section (1), for the words "the registering authority of the place where the vessel is registered" the words "the registering authority of the State in which the vessel is kept" shall be substituted ;

(*ii*) in sub-section (2), for the words "the registering authority of the intended place of registry with a copy of all particulars relating to the vessel," the words "the registering authority of the place where the vessel is registered" shall be substituted ;

(*iii*) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely :—

"(3) The certificate of registration in respect of the vessel shall be delivered upto the registering authority of the intended place or registry along with the application.

(4) On receipt of the application under sub-section (1) and the prescribed fee, if any, the registering authority of the intended place of rigistry shall enter in its register book all the particulars relating to the vessel and grant a fresh certified of registration in respect of the vessel and thence forth such vessel shall be considered as registered at the new place of registry.

(5) A State Government may make rules under section 19R requiring the owner or master of an inland mechanically propelled vessel not registered within the State which is brought into or is, for the time being in the State, to furnish to a prescribed authority in the State such information with respect to the inland mechanically propelled vessel and its registration as may be prescribed."

12. **Amendment of section 19M.**—In section 19M of the principal Act, in sub-section (1), in the proviso, for the words and figures "also registered under the Merchant Shipping Act, 1894, as amended by any subsequent enactment", the words and figures "registered or deemed to be registered under the Merchant Shipping Act, 1958". 57 and 58 Vict, c. 60. 44 of 1958. shall be substituted.

13. **Insertion of new section after section 19Q.**—After section 19Q of the principal Act, the following section shall be inserted namely;—

Mortgage of mechanically propelled vessel or share.—19QA. The provision of sections 47, 48, 49, 50, 51, 52 and 53 of the Merchant Shipping Act, 1958. 44 of 1958. shall *mutatis mutandis* apply, in relation to the mortgage of a mechanically propelled vessel as they apply in relation to ships, subject to the following modifications, namely.—

(*a*) in sections 47, 48, 49, 50, 51, 52 and 53, references to "ship", "registrar" and "register book", wherever they occur, shall, repectively, be construed as references to "mechanically propelled vessel", "registering authority" and "book of registration";

(*b*) in section 47, in sub-section (1), for the words "the registrar of the ship's port of registry shall record it in the registrer book", the words "the registering authority shall record it in the book of registeration" shall be substituted;

14. **Amendment of section 19R.**—In section 19R of the principal Act, in sub-section (2),—

(*a*) after clause (f) the following clause shall be inserted, namely :—

"(*fa*) prescribe the authority and provide for furnishing to such authority the information with respect to the inland mechanically propelled vessel and its registeration under sub-section (5) of section 19K," ;

(*b*) after clause (g), the following clause shall be inserted namely :—

"(*ga*) provide for the form of instrument creating a mortgage of a mechanically propelled vessel or a share therein or transfer of any such mortgage;".

15. **Insertion of new section after section 19R.**—After section 19R of the principal Act, the following section shall be inserted, namely;—

Certain certificates issued under Merchant Shipping Act to be valid under this Act.—"19S. Every certificate of registry and every certificate of servey issued in respect of a mechanically propelled vessel under the Merchant Shipping Act, 1958, 44 of 1958, shall be valid and effective as a certificate of registeration or certificate of survey, as the case may be, issued under this Act and the relevant provisions of this Act shall apply in relation to such vessel as they apply to an inland mechanically propelled vessel registered under this Act."

16 **Amendment of section 22.**—In section 22 of the principal Act, in sub-section (1), for the words and figures "before the first day of April. 1890", the words and figures "for a period of three years before the first day of November, 1956" shall be substituted.

17. **Amendment of section 22A.**—In section 22A of the principal Act, in sub-section (1), in clause (b), for the words and figures "certificate granted under the Indian Steamships Act, 1884 (7 of 1884)", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted.

18. **Amendment of section 25.**—In section 25 of the principal Act,—

(i) in clause (a), for the words and figures "certificate granted under the Indian Merchant Shipping Act, 1859, (1 of 1859) or granted under, or continued in force by, the Merchant Shipping Act, 1894", (57 & 58 Vict., c. 60) the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted;

(ii) in clause (b), for the words and figures "or the Indian Steam-ships Act, 1884, (7 of 1884) or granted under, or continued in force by, the Merchant Shipping Act, 1894" (57 & 58 Vict., c. 60), the words and figures "or granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted.

19. **Amendment of section 26.**—In section 26 of the principal Act, in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884" (7 of 1884) the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted;

20. **Amendment of section 28.**—In section 28 of the principal Act,—

(i) in clause (a), for the words and figures "certificate granted under the Indian Merchant Shipping Act, 1859, (1 of 1859) or granted under, or continued in force by, the Merchant Shipping Act, 1894", (57 & 58 Vict., c. 60) the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted;

(ii) in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884, (7 of 1884) or an engineer's certificate granted under, or continued in force by, the Merchant Shipping Act, 1894" (57 & 58 Vict., c 60.), the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act," (1958 44 of 1958) shall be substituted.

21. **Amendment of section 33.**—In sub-section (1) of section 33 of the principal Act, for the portion beginning with words "If a formal investigation" and ending with the words "the State Government may", the following shall be substituted, namely:—

" Whenever the State Government is satisfied that it is necessary or expedient to have a formal investigation into the facts of any case reported under section 32 or otherwise brought to its notice, the State Government may".

22. **Insertion of new Chapter IVA.**—After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IVA"

REMOVAL OF OBNSTRUCTION AND SIMILAR HAZARDS IN NAVIGATION

44A. **Raising of or removal of wreck impeding navigation, etc.**—(1) If any mechanically propelled vessel or other vessel is wrecked, stranded or sunk in any inland water is or likely to be come obstruction, impediment or danger to the safe and convenient navigation or use of inland water or the landing place or embarkment or part thereof, any officer empowered by the State Government by notification in the Official Gazette in this behalf (hereafter in this Chapter referred to as competent officer) shall cause the vessel to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant.

(2) If any property recovered by a competent officer acting under sub-section (1) is unclaimed or the person claiming it fails to pay reasonable expenses incurred by the competent officer under that sub-section and a further sum of twenty-five per cent of the amount of such expenses, the competent officer may sell the property by public auction, if the property is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than two months after the recovery thereof.

(3) The expenses and further sum aforesaid shall be payable to the competent officer out of the sale proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall

be held in deposit for payment, without interest, to the person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

(4) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the competent officer on demand, and if the deficiency be not paid within one month of such demand, the competent officer may recover the deficiency from such owner as if it were an arrear of land revenue.

44B. Removal of obstruction in inland water.—(1) The competent officer may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of the inland water, which in his opinion, obstructs or impedes the free navigation thereof or the lawful use of any landing place or embarkment or part thereof.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses; of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The competent officer or any magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

44C. Recovery of expenses of removal:—If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand or within fourteen days after such removal has been notified in the Official Gazette or in such other manner as the State Government may, by general or special order direct, the competent officer may cause such timber, raft or other thing or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surples of such proceeds or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same and if no such person appears, shall cause the same to be kept and deposited in such manner as the State Government directs, and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, or further sale of so much of the thing or materials as may remain unsold.

44D. Removal of lawful obstruction.— (1) If any obstruction or impediment to the navigation of any inland water has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the competent officer shall report the same for the information of the State Government and shall with the sanction of the State Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(2) Any dispute arising out of or concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

44E Fouling of Government moorings.—(1) If any mechanically propelled vessel hooks or gets fouled in any of the buoys or moorings laid down by or by the authority of the State Government in any part of inland water, the master of such vessel shall any other person. except in the case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the competent officer.

(2) The comptent officer immediately on receiving information of such accident, shall assist and superintend the clearing of such vessel and the master of the vessel-shall, on demand, pay such reasonable expenses as may be incurred in clearing the same.

(3) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees."

23. Amendment of section 45.—In section 45 of the prinical Act, after clause (b), the following clause shall be inserted namely:—

"(bb) if the holder of such certificate is proved to have deserted his vessel or has absented himself, without leave and without sufficient reason, from his vessel or from his duty; or."

24. Amendment of section 53.—In section 53 of the principal Act, in sub-section (5), for the words and figures "section 59 of the Code of Criminal Procedure, 1898", (5 of 1898). the words and figures "section 43 of the Code of Criminal Procedure, 1973" (2 of 1974). shall be substituted.

25. Amendment of section 54A.—In section 54A of the principal Act,—

(i) in sub-section (1), in clauses (a), (b) and (c), for the words "per mile", the words "per kilometre" shall be subsituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) In case of any dispute relating to the fixation of the maximum or the minimum rate per kilometre which may be charged in respect of any class of passengers or of freight on goods of any description carried in inland mechanically propelled vessel between any stations lying in two States, any one of the States may report the matter to the Central Government who shall decide the same"

26. **Insertion of new Chapter VIA.**—After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER VIA

(INSURANCE OF MECHANICALLY PROPELLED VESSELS AGAINST THIRD PARTY RISKS)

54C. **Application of Chapter VIII of the Motor Vehicles act, 1939, in relation to the insurance of mechanically propelled vessels.**—The provisions of Chapter VIII of the Motor Vehicles Act, 1939, (4 of 1939) shall *mutatis mutandis* apply, in relation to the insurance of mechanically propelled vessels against third party risks at they apply in relation to motor vehicles, subject to the following modifications, namely:—

(a) throughout in Chapter VIII,—

(i) references to " motor vehicle" or "vehicle" shall be construed as references to "mechanically propelled vessel";

(ii) references to " public place " shall be construed as references to "inland water",

and such other consequential amendments as the rules of grammar may require shall also be made:

(b) in section 94,—

(i) in sub-section (3), for clause (c), the following clause shall be substituted, namely:—

"(c) any State Water Transport Undertaking providing inland water transport service, where such Undertaking is carried on by—

(i) the Central Government or a State Government;

(ii) any local authority or any corporation or company owned by the Central Government or one or more State Governments or by the Central Government and one or more State Government:",

(ii) in the *Explanation*, in item (iii), for the words "State Transport", the words "State Water Transport" shall be substituted;

(c) in section 95,—

(i) in sub-section (1),—

(A) in clause (b), in sub-clause (ii), for the words "of a public service vehicle", the words and brackets "of a mechanically propelled vessel used or adapted to be used for the carriage of passengers for hire or reward (hereinafter referred to as a public service vessel), shall be substituted,

(B) in the proviso, in clause (i), for sub-clauses (b) and (c), the following sub-clauses shall be substituted, namely :—

"(b) if it is a public service vessel, engaged as a conductor of the vessel or in examining tickets on the vessel, or

(c) if it is a vessel used or adapted for the carriage of goods solely or in addition to passengers (hereinafter referred to as goods service vessel), being carried in the vessel, or" ;

(ii) in sub-section (2),—

(A) in clause (a), for the words "goods vehicle, a limit of fifty thousand rupees", the words "goods service vessel a limit of two lakhs and fifty thousand rupees" shall be substituted,

(B) in clause (b),—

(1) in sub-clause (i), for the words "fifty thousand rupees", the words "two lakhs and fifty thousand rupees" shall be substituted;

(2) in sub-clause (ii),—

(a) in paragraph (3), for the words "one lakh", the words "five lakhs" shall be substituted ;

(b) in paragraph (4), the words "where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case" shall be omitted;

(C) in clause (d), for the words "a limit of rupees two thousand," the words "a limit of ten thousand rupees" shall be substituted ;

(d) in section 96,—

(i) in sub-section (2), in clause (b),—

(A) for sub-clause (i), the following sub-clause shall be substituted, namely :—

"(i) a condition excluding the use of the mechanically propelled vessel—

(a) for hire or reward, where the vessel is on the date of the contract of insurance, a vessel not covered by a certificate of registration, or

(b) for organised racing or speed testing, or

(c) for a purpose not allowed by the certificate of registration under which the vessel is used, where the vessel is a public service vessel or a goods service vessel, or" ;

(B) in sub-clause (ii),—

(1) for words "not duly licensed", the words and figures " not holding a certificate granted under Chapter III of the Inland Vessels Act, 1917" (1 of 1917) shall be substituted,

(2) for the words "a driving licence", the words and figures "a certificate granted under Chapter. III of the Inland Vessels Act, 1917" (1 of 1917) shall be substituted;

(ii) in sub-section (2A), after the words "obtained from a Court", the words "in the State of Jammu and Kashmir or, shall be inserted;

(iii) in the proviso to sub-section (2A) and in sub-section (6), after the words "corresponding law", the words "of the State of Jammu and Kashmir or" shall be inserted;

(e) after section 105, the following section shall be inserted, namely :—

"**105A. Duty of driver in case of accident and injury to a person.**—When any person is injured or any property of third party is damaged as a result of an accident in which an inland mechanically propelled vessel is involved, the master or the driver of the vessel or other person in charge of the vessel shall—

(a) take all reasonable steps to secure medical attention for the injured person, and, if necessary, convey him to the nearest hospital, unless the injured person or his guardian in case he is a minor, desires otherwise;

(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence";

(f) in section 106,—

(A) in sub-section (2), for the word and figures "section 89", the word, figures and letter "section 105A" shall be substituted;

(B) in sub-section (2A), in the proviso, for the words "transport vehicle", the words "public service vessel or goods service vessel" shall be substituted;

(g) in section 107, for the words " whether by payment of a tax or otherwise for authority to use the vehicle in a public place to produce such evidence as may be prescribed by those rules to the effect that either", the words "for a certificate of survey or a certificate of registration in respect of such vessel to produce such evidence as may be prescribed to the effect that either" shall be substituted;

(h) in section 108,—

(A) for the words " transport vehicle ", wherever they occur, the words "public service vessel or goods service vessel" shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made;

(B) in sub-section (1), in clause (a),—

(1) for the words " twenty-five thousand rupees for the first fifty

vehicles", the words "one lakh rupees for the first fifty mechanically propelled vessels" shall be substituted.

(2) for the words "one hundred and fifty thosand rupees", the words "two lakhs and fifty thousand rupees" shall be substituted;

(j) for section 110 to section 110B, the following sections shall, respectivly, be substituted, namely:—

"110. **Claims Tribunals.**—(1) The State Government may, by notification in the Official Gazette, constitute one or more Inland Vessels Accidents Claims Tribunals (hereinafter referred to as the Claims Tribunals) for such area as may be specfied in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to persons arising out of the use of mechanically propelled vessels or damage to any property of a third party so arising, or both.

Provided that where such claim includes a claim for compensation in respect of damage to propety exceeding rupees ten thousand the claimant may, at his option, refer the claim to a civil court for adjudication and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.

(2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where it consists of more members, one of them shall be appointed as the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he—

(a) is, or has been, a judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a Judge of the High Court.

(4) Where two or more Claims Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

110A. **Application for compensation.**—(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 110 may be made—

(a) by the person who has sustained the injury, or

(b) where death has resulted from the accident, by all or any of the legal representatives of the deceased, or

(c) by any agent duly authorised by the person injured or al or any of the legal representatives of the deceased, as the case may be;

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within six months of the occurrence of the accident ;

Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

110AA. Option regarding claim for compensation in certain cases- Notwithstanding anything contained in the Workmen's Compensation Act, 1923, (8 of 1923) where the death or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both.

110B. Award of Claims Tribunal.—On receipt of an application for compensation made under section 110A, the Claims Tribunal shall, after giving the parties an opportunity of being heard, hold an inquiry into the claim and may make an award determining the amount of compensation which appears to be just and specifying the person or persons to whom compensation shall be paid ; and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or master or driver of the vessel involved in the accident or by all or any of them, as the case may be :

(j) in section 110C, for the words, figures and letters "section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898", (5 of 1898) the words, figures and letters "section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973(2 of 1974) shall be substituted.;

27 **Amendment of section 58.**—In section 58 of the prinicipal Act, for the words "ten rupees", the words "one hundred rupees' shall be substituted.

28. **Insertion of new section 58A.** After section 58 of the principal Act, the following section shall be in serted namely.—

"58A. **Penelty for carrying excessive quantity of on board.** If an inland mechanically propelled vessel has on board or in any part there of cargo which is in excess of the cargo set forth in the certificate of survey as the quantity of cargo which the vessel or the part there is, in the judgment of the surveyor, fit to carry, the owner and the master shall, each, in addition to the penalty to which he may be liable under the provisions of section 58, be punishable with fine whichmay extend—

(a) in the case of first offence, to five hundred rupees;

(b) inthe case of any second or subsequent offence, to one thousand rupees."

29. **Insertion of new sections after 'section 62.**—After section 62 of the principle Act, the following sections shall be inserted, namely:—

"62A. **Punishment for offences relating to accident**.—If the master or the driver or the other persons in charge of the inland mechanically propelled vessels fails to report an accident in which his vessels is involved as required under Chapter VIA, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, or, if having been previously convicted of an offence under this section, with imprisonment for a term whic may extend to six months, or with fine which may extend to one thousand rupees, or with both.

62B. **Penalty for using uninsured mechanically propelled vessel.**—If any person uses a mechanically propelled vessel or causes or allows a mechanically propelled vessels to be used without a policy of insurance complying with the requirements of Chapter VIA, he shall be punishable with fine which may extend to one thousand rupees.

62C. **Penalty for neglect or refusal to give information as to insurance or to produce certificate of insurance.**—If any person without reasonable cause neglets or refuses to give information as to insurance or to produce the certificate of insurance under the provisions contained in Chapter VIA, he shall be punishable with fine which may extend to one hundred rupees"

30. **Insertion of new sections after section 63.**—Section 63A of the peincipal Act shall be renumbered, as section 63D and before section 63D as so renumbered, the following sections shall be instered, namely :—

"63A. **Desertion and absence without leave.**—If any person employeed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be liable to be punished summarily as follows :—

(a) if he deserts from his mechanically propelled vessel, he shall be guilty of the offence of desertion and be liable to forfeit all or any of the property he leaves on board of the vessel and of wages he has then earned and also to imprisonment which may extend to three months ;

(b) if he neglects or refuses, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel or is absent without leave at any time within twenty-four hours of the vessel sailing from a port or that either at the commencement or during the progress of a voyage or is absent at any time without leave and without sufficient reason from his vessel or from his duty, he shall, if affence does not amount to desertion or is not treated as such by the matter, be guilty of the offence of absence without leave and be liable to forfeit out of his wages a sum not exceeding two day's pay and in addition for every twenty-four hours of absence either a sum not exceeding six day's pay or any expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months.

63 B. **General offences against discipline:**—If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be guilty of an offence against discipline and he shall be liable to be punished summarily as follows :—

(*a*) if he quits the mechanically propelled vessel without leave after her arrival at the port of ghat or port or port or ghat of delivery, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay ;

(*b*) if he is guilty of wilful disobedience to any lawful command or neglect of duty, he shall be liable to forfit out of his wages a sum not exceeding two day's pay ;

(*c*) if he is guilty of continued wilful disobedience to lawful command or continued wilful neglect of duty, he shall be liable to imprisonment which may extend to one month and also to forfeit over every twenty-four hours continuance of disobedience or neglect either a sum not exceeding six day's pay or any expenses properly incurred in hiring a substitute ;

(*d*) if he assaults the master or any other officer of the vessel, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both ;

(*e*) if he combines with any of the officers to disobey to lawful commands or to neglect duty or to impede the navigation of the vessel or retard the progress of the voyage, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both ;

(*f*) if he wilfully damages his mechanically propelled vessel or commits criminal misappropriation or breach of trust in respect of or wilful damages to any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss sustained and also imprisonment which may extend to three months.

63 C. **Entry of offence in official log-book** :—If any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed or if any act of misconduct is committed for which the offender's agreement imposes fine and it is intended to enforce the fine,—

(*a*) an entry of the offence or acts shall be made in the official log-book and signed by the master and one of the persons employe or engaged in any capacity on board of the mechanically propelled vessel ;

(*b*) the offender shall be furnished with a copy of the entry and have the same read over distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit ;

(c) a statement of a copy of the entry having been so furnished and entry having been so read over and the reply if any, made by the offender shall likewise be entered and signed in the manner aforesaid ;

(d) in any, subsequent legal proceedings the entries by this section required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may in its discretion refuse to receive evidence of the offence or act of misconduct".

31. **Substitution of new Section for section 69** :—For section 69 of the principal Act, the following section shall be substituted, namely :—

'**Exemption to Government vessels from fees** :—"69. The State Government may, by notification in the Official Gazette, exempt all or any mechanically propelled vessel belonging to or in the service of Government from payment of any fees payable by or under this Act"

32. **Amendment of Section 72A** :—In Section 72A of the principal Act,—

(i) for the words "of a province in Pakistan", the words "of Bangladesh" shall be substituted ;

(ii) for the words "that Dominion", the words "that country" shall be substituted.

33. **Omission of Section 73** :—Section 73 of the principal Act shall be omitted.

34. **Amendment of section 74** :—In Section 74 of the principal Act.—

(i) in sub-section (1), for the words "on a State Government", the words "on the Central Government or a State Government" shall be substituted.

(ii) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice validity of anything previously done under that rule".

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PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 21 LCA 78.

Bangalore, dated 5th May 1978

Ordered that the Interest Act, 1978 (14 of 1978) published in Part II, Section 1 of the *Gazette of India* Extraordinary, dated 31st March 1978 be republised in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

Assented to on 31st March 1978 Act No. 14 of 1978

THE INTEREST ACT, 1978

AN

ACT

to consolidate and amend the law relating to the allowance of interest in certain cases

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Interest Act, 1978.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) "court" includes a tribunal and an arbitrator;

(b) "current rate of interest" means the highest of the maximum rates at which interest may be paid on differnt classes of deposits (other than those maintained in savings account or these maintained by charitable or religious institution) by different classes of scheduled banks in accordance with the directions given or issued to banking companies generally by the Reserve Bank of India under the Banking Regulation Act, 1949 (10 of 1949).

Explanation.—In this clause, "scheduled bank" means a bank, not being a co-operative bank, transacting any business authorised by the Banking Regulation Act, 1949 (10 of 1949) ;

(c) "debt" means any liability for an ascertained sum of money and includes a debt payable in kind, but does not include a judgment debt;

(d) "personal injuries" includes any disease and any impairment of a person's physical or mental condition;

(e) all other words and expressions used herein but not defined and defined in the Reserve Bank of India Act, 1934 (2 of 1934), shall have the meanings respectively assigned to them in that Act.

3 **Power of court to allot interest.**—(1) In any proceedings for the recovery of any debt or damages or in any proceedings in which a claim for interest in respect of any debt or demages already paid is made, the court may, if it thinks fit, allow interest to the person entitled to the debt or damages or to the person making such claim, as the case may be, at a rate not exceeding the current rate of interest, for the whole or part of the following period, that is to say,—

(a) if the proceedings relate to a debt payable by virtue of a written instrument at a certain time, then, from the date when the debt is payable to the date of institution of the proceedings ;

(b) if the proceedings do not relate to any such debt, then, from the date mentioned in this regard in a written notice given by the person entitled or the person making the claim to the person liable that interest will be claimed, to the date of institution of the proceedings :

Provided that where the amount of the debt or damages has been repaid before the institution of the proceedings, interest shall not be allowed under this section for the period after such repayment.

(2) Where, in any such proceedings as are mentioned in sub-section (1),—

(a) judgment, order or award is given for a sum which, apart from interest on damages, exceeds four thousand rupees, and

(b) the sum represents or includes damages in respect of personal injuries to the plaintiff or any other person or in respect of a person's death, then, the power conferred by that sub-section shall be exercised so as to include in that sum interest on those damages or on such part of them as the court considers appropriate for the whole or part of the period from the date mentioned in the notice to the date of institution of the proceedings, unless the court is satisfied that there are special reasons why no interest should be given in respect of those damages.

(3) Nothing in this section,—

(a) shall apply in relation to—

(i) any debt or damages upon which interest is payable as of right, by virtue of any agreement; or

(ii) any debt or damages upon which payment of interest is barred, by virtue of an exepress agreement;

(b) shall affect—

(i) the compensation recoverable for the dishonour of a bill of exchange, promissory note or cheque, as defined in the Negotiable Instruments Act, 1881; (26 of 1881) or.

(ii) the provisions of rule 2 of Order II of the First Schedule to the Code of Civil Procedure, 1908; (5 of 1908).

(c) shall empower the court to award interest upon interest.

4. **Interest payable under certain enactments.**—(1) Notwithstanding anything contained in section 3, interest shall be payable in all cases in which it is payable by virtue of any enactment or other rule of law or usage having the force of law.

(2) Notwithstanding as aforesaid, and without prejudice to the generality of the provisions of sub-section (1), the court shall, in each of the following cases allow interest from the date specified below to the date of institution of the proceedings at such rate as the court may consider reasonable, unless the court is satisfied that there are special reasons why interest should not be allowed, nemely.

(a) where money or other property has been deposited as security for the performance of an obligation imposed by law or contract from the date of the deposit;

(b) where the obligation to pay money or restore any property arises by virtue of a fiduciary relationship, from the date of the cause of action;

(c) where money or other property is obtained or retained by fraud, from the date of the cause of action;

(d) where the claim is for dower or maintenance, from the date of the cause of action.

5. **Section 34 of the Code of Civil Procedure, 1908 to apply.**—Nothing in this Act shall effect the provisions of section 34 of the Code of Civil Procedure, 1908 (5 of 1908).

6. **Repeal and saving**—(1) As from the commencement of this Act, the Interest Act, 1839 (32 of 1839), and any other law corresponding thereto in force in any State immediately before such commencement shall stand repealed.

(2) The provisions of this Act shall not apply to any suit or other legal proceeding pending at the commencement of this Act and the provisions of the corresponding law applicable immediately before such commencement shall, notwithstanding the repeal of such law by sub-section (1), continue to apply to such suit or other legal proceeding.

(3) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Classes Act, 1897 (10 of 1897) with regard to the effect of repeal.

Notification No. LAW 18 LCA 78

Bangalore, dated 19th April 1978

Ordered that the Child Marriage Restraint (Amendment) Act, 1978 (Act 2 of 1978) published in Part II, Section I of the *Gazette of India*, Extraordinary, dated 14th March 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,

Under Secretary to Government,
Department of Law and Parly. Affairs.

Assented to on 13th March 1978. Act No. 2 of 1978

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) ACT, 1978

AN

ACT

further to amend the Child Marriage Restraint Act, 1929, and to make certian consequential amendments in the Indian Christian Marriage Act, 1872, and the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement**.—(1) This Act may be called the Child Marriage Restraint (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of section 2.**—In section 2 of the Child Marriage Restraint Act, 1929 (19 of 1929) (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely :—

'(*a*) ' Child'' means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age ;' .

3. **Insertion of new section 7** :—After section 6 of the principal Act, the following section shall be inserted, namely :—

Offences to be cognizalbe for certain purposes.—"7. The Code of Criminal Procedure, 1973, (2 of 1974) shall apply to offences under this Act as if they were cognizable offences.—

(*a*) for the purpose of investigation of such offences ; and

(*b*) for the purposes of matters other than (*i*) matters referred to in section 42 of the Code, and (*ii*) the arrest of a person without a warrant or without an order of a Magistrate. "

4. **Amendment of section 8**.—In section 8 of the principal Act, —

(*a*) for the word and figures "Code of Criminal Procedure, 1898" , (5 of 1898.) the words and figures "Code of Criminal Procedure, 1973" (2 of 1974) shall be substituted ;

(*b*) for the words "Presidency Magistrate or a Magistrate of the first class" , the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

5. **Amendment of section 10**.—In section 10 of the principal Act, for the words and figures "Code of Criminal Procedure, 1898" , (5 of 1898) the words and figures "Code of Criminal Procedure, 1973" (2 of 1974.) shall be substituted.

6. **Amendment of certain enactments** :—The enactments specified in the Schedule are hereby amended in the manner mentioned therein.

THE SCHEDULE

[*See* section 6]

Year	No.	Short title	Amendments
1872	15	The Indian Christian Marriage Act, 1872.	In section 60.— (i) in condition number (i), for the words "eighteen years" and "fifteen years" the words "twenty-one years" and "eighteen years" shall respectively be substituted ; (ii) the proviso shall be omitted.
1955	25	The Hindu Marriage Act, 1955	(1) In section 5.— (i) in clause (iii), for the words "eighteen years" and "fifteen years", the words "twenty-one years" and "eighteen years" shall respectively be substituted ; (ii) clause (vi) shall be omitted. (2) Section 6 shall be omitted. (3) In section 12, in sub-section (1) in clause (c), for the words and figure "is required under section 5", the words, figures and brackets "was required under section 5 as it stood immediately before the commencement of the Child Marriage Restraint (Amendment) Act, 1978" shall be substituted. (4) In section 18.— (*i*) for the brackets, letters and word "(*v*) and (*vi*)" the word, brackets and letter "and (*v*)" shall be substituted; (*ii*) in clause (*b*), the word "and" occuring at the end shall be omitted ; (*iii*) clause (*c*) shall be omitted.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 4 LCR 78.

Bangalore, dated 10th May 1978.

Ordered that the Medicinal and Toilet Preparations (Second Amendment) Rules, 1977 published in Part II, Section 3 (i) of the *Gazette of India*, dated 18th March 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly Affairs.

GOVERNMENT OF INDIA

Ministry of Finance

(Department of Revenue)

New Delhi, dated the 8th March 1978.

NOTIFICATION

Medicinal and Toilet Preparations

No. 1 (G.S.R. No 368). In exercise of the powers conferred by section 19 of the Medicinal and Toilet preparations (Excise Duties) Act, 1955 (16 of 1955) the Central Government hereby makes the following rules further to amend the Medicinal and Toilet preparations (Excise Duties) Rules, 1956 namely :—

1. (1) These rules may be called the Medicinal and Toilet preparations (Second Amendment) Rules, 1977.

2. (2) They shall come into force on the date of their publication in the official Gazette.

3. In the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956 for rule 7 the following rule shall be substituted, namely :—

"7. *Exemption from duty on medicinal preparations for Government and Charitable Institutions*:— (1) Except as provided in sub-rule (2), no duty shall be collected on medicinal preparations containing alcohol manufactured in India and supplied direct from a bonded manufactory or a warehouse to the following institutions :—

(i) hospitals and dispensaries working under the supervision of the Central Government or a State Government ;

(ii) hospitals and dispensaries subsidised by the Central Government or a State Government;

(iii) charitable hospitals and dispensaries under the administrative control and management of a local body;

(iv) Medical Store Depot of the Central Government or a State Government; and

(v) every other institution certified by the principal Medical Officer of the district in which such institution is situated as supplying medicines free to the poor

(2) If in the supply of any medicinal preparation made direct to all or any of the institutions referred to in sub-rule (1), any loss or shortage is ditected at the destination, the manufacturer or the licencee of a Warehouse, as the case may be, shall be liable to pay duty on such loss or shortage at the rate in force on the date on which such loss or shortage is detected or made known to the proper officer:

Provided that if it is proved to the satisfaction of the Excise Commissioner that the loss or shortage was due to circumstances over which the manufacturer or licencee, as the case may be, had no control, the Excise Commissioner may remit the whole or part of the duty payable."

Sd/-

RAGHAVAN IYER,
Deputy Secretary to the Government of India.

F. No. 655/19/74-OPIUM.

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PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY SECRETARIAT

Notification No. LAW 17 LCA 78.

Bangalore, dated 19th April 1978

Ordered that the Merchant Shipping (Amendment) Act, 1978 (Act No. 1 of 1978) published in Part II, Section I of the *Gazette of India* Extraordinary dated 14th March 1978 be republished in the *Karnataka Gazette* for General information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Dept. of Law and Parliamentary Affairs.

Assented to on 13th March 1978 Act No. 1 of 1978

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1978

AN

ACT

further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Merchant Shipping (amendment) Act, 1978.

2. **Amendment of section 14.**—In section 14 of the Merchant Shipping Act, 1958 (44 of 1958) (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely :—

"(bb) the amounts received by the said Committee on the issue and sale of bonds and debentures ;".

3. **Amendment of section 15.**—In sub-section (1) of section 15 of the principal Act, for the word "six", the word "twelve" shall be substituted.

4. **Amendment of section 16.**—In section 16 of the principal Act,—

(i) in sub-section (1), for the words and figures "in any other form to persons of the description mentioned in section 21 for acquisition and maintenance of ships.", the following shall be substituted, namely :—

"in any other form,—

(a) to persons of the description mentioned in section 21—

(i) for the acquisition and maintenance of ships, including modification, reconstruction and renovation thereof; and

(ii) for meeting any short-term financial requirements;

(b) to Indian ship-yards for the construction of new ships";

(ii) for sub-section (2), the following sub-sections shall be substituted, namely :—

"(2) The Committee shall not grant any loan or give any financial assistance under sub-section (1) except on such terms and conditions as the Central Government may from time to time specify, and any such term may, if the loan or financial assistance is granted or given to a company, provide for the appointment by the Committee of one or more directors of such company and such provision and any appointment of directors made in pursuance thereof shall be valid and effective notwithstanding anything to the contrary contained in the Companies Act, 1956, (1 of 1956) or in any other law for the time being in force or in the memorandum, articles of association or any other instrument relating to the company and any provision regarding share qualification, age limit, number of directorships, removal from office of director and such like conditions contained in any such law or instrument aforesaid, shall not apply to any director appointed by the Committee in pursuance of the term as aforesaid.

(2A) Any director appointed in pursuance of sub-section (2) shall,—

(a) hold office during the pleasure of the Committee and may be removed or substituted by any person by order in writing by the Committee.

(b) not incur any obligation or liability by reason only of his being a director or for anything done or omitted to be done in good faith in the discharge of his duties as a director or anything in relation thereto

(c) not be liable to retirement by rotation and shall not be taken into account for computing the number of directors liable to such retirement.

(2B) Every director appointed by the Committee shall be indemnified by the Committee against all losses and expenses incurred by him in, or in relation to, the discharge of his duties, except such as are caused by his own wilful act or default.

(2C) No suit or other legal proceeding shall lie against any director appointed by the Committee for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any other law or provision having the force of law."

5. **Insertion of new section 16A** :—After section 16 of the principal Act, the following section shall be inserted, namely :—

"16A. **Borrowing powers** : (1) The Committee may issue and sell bonds and debentures, with or without interest, for the purpose of carrying out the objects of the Fund.

(2) The bonds and debentures of the Committee shall be guaranteed by the Central Government as to the repayment of the principal and the payament of interest, at such rate as may be fixed by the Central Government on the recommendation of the Committee at the time the bonds and debentures are issued."

6. **Insertion of new section 17A.**—After section 17 of the principal Act, the following section shall be inserted and shall be deemed always to have been inserted, namely :—

"17A. **Exemption from liability to pay Income Tax and wealth tax** :—Notwithstanding anything contained in any enactment for the time being in force relating to income-tax or wealth-tax, the Committee shall not be liable to pay—

(a) income-tax in respect of its income, profits or gains ; and

(b) wealth-tax in respect of its net wealth".

7. **Amendment of section 18**.—In section 18 of the principal Act, for the words "and thereupon all the property vested in the Committee shall vest in the Central Government", the following shall be substituted, namely—

"and thereupon—

(a) all the property vested in the Committee shall vest in the Central Government ; and

(b) all the liabilities of the Committee shall become the liabilities of the Central Government."

8 **Amendment of section 19** .—In sub-section (2) of section 19 of the principal Act, after clause (f), the following clause shall be inserted, namely :—

"(ff) the manner and terms of issue, sale and redemption of bonds and debentures by the Committee ;".

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PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 23 LCA 78.

Bangalore, dated 4th May 1978

Ordered that the Children (Amendment) Act, 1978 (No. 15 of 1978) published in Part II, Section 1 of the *Gazette of India* Extraordinary, dated 1st April 1978 be republished in the *Karnataka Gazette* for General information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

Assented to on 31-3-78 Act No. 15 of 1978

THE CHILDREN (AMENDMENT) ACT, 1978

AN

ACT

to amend the Children Act, 1960

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement**.—(1) This Act may be called the Children (Amendment) Act, 1978.

(2) It shall come into force in any Union territory on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. **Substitution of references to "Code of Criminal Procedure, 1898" by references to "Code of Criminal Procedure, 1973".**—Throughout the Children Act, 1960, (60 of 1960) (hereinafter referred to as the principal Act), unless otherwise expressly provided in this Act, for the words and figures "Code of Criminal Procedure, 1898" (5 of 1898) wherever they occur, the words and figures "Code of Criminal Procedure, 1973" (2 of 1974) shall be substituted.

3. **Amendment of section 2.**—In section 2 of the principal Act,—

(*i*) after clause (j), the following clause shall be inserted, namely :—

'(*jj*) "fit person" or "fit institution" means any person or institution (not being a police station or jail) found fit by the competent authority to receive and take care of a child entrusted to his or its care and protection on the terms and conditions specified by the competent authority ;

'(*ii*) in sub-clause (*iii*) of clause (*l*), after the word "unfit", the words "or unable" shall be inserted ;

(*iii*) after clause (*n*), the following clause shall be inserted, namely :—

'(*nn*) "place of safety" means any place or institution (not being a police station or jail), the person in charge of which is willing temporarily to receive and take care of a child and which in the opinion of the competent authority may be a place of safety for the child ;

(*iv*) in clause (*r*), for the words "fit person", the words "fit person or fit institution" shall be substituted.

4. **Amendment of section 4.** In section 4 of the principal Act, in sub-section (3), for the words and figures "Code of Criminal Procedure, 1898 (5 of 1898), on a magistrate of the first class", the words and figures "Code of Criminal Procedure, 1973, (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class" shall be substituted.

5. **Amendment of section 5.**—In section 5 of the principal Act, for sub-section (2) the following sub-sections shall be substituted, namely :—

"(2) A children's court shall consist of such number of Metropolitan Magistrates or Judicial Magistrates of the first class, as the case may be, forming a Bench as the Administrator thinks fit to appoint, of whom one shall be designated as the principal magistrate ; and every such Bench shall have the powers conferred by the Code of Criminal Procedure, (1973 2 of 1974), on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.

(3) Every children's court shall be assisted by a panel of two honorary social workers possessing such qualifications as may be prescribed, of whom at least one shall be a woman, and such panel shall be appointed by the Administrator."

6 **Amendment of section 6.**—In section 6 of the principal Act, in sub-section (1), for the words "senior magistrate", the words "principal magistrate" shall be substituted.

7 **Amendment of section 7**—In section 7 of the principal Act.—

(i) to sub-section (1), the following provisos shall be added, namely:—

"Provided that a Board or a children's court may, if it is of opinion that it is necessary so to do having regard to the circumstances of the case, transfer any proceedings to any children's court or Board, as the case may be:

Provided further that where there is any difference of opinion between a Board and a children's court regarding the transfer of any proceedings under the first proviso, it shall be referred to the Chief Metropolitan Magistrate or, as the case may be, the Chief Judicial Magistrate for decision and in a case where the District Magistrate is functioning as a Board or a childrens court, such difference of opinion shall be referred to the Court of Session, and the decision of the Chief Metropolitan Magistrate or Chief Judicial Magistrate or, as the case may be, the Court of Session on such reference shall be final."

(ii) in sub-section (2), for clause (c), the following clause shall be substituted, namely:—

"(c) any Metropolitan Magistrate or Judicial Magistrate of the first class, as the case may be."

8 **Amendment of Section 9**—In section 9 of the principal Act,—

(i) in sub-section (3), the words "to ensure all round growth and development of his personality, shall be added at the end;

(ii) in sub-section (4), after the words "childrens homes", the words, "including the standards and the nature of services to be maintained by them," shall be inserted.

9 **Amendment of section 10**—In section 10 of the principal Act,

(i) in sub-section (3), the words "to ensure all round growth and development of his personality" shall be added at the end;

(ii) in sub-section (4) after the words "special schools" the words, "including the standards and the nature of services to be maintained by them," shall be inserted.

10. **Amendment of section 11.**—In section 11 of the principal Act, in sub-section (4), after the words "observation homes", the words, "including the standards and the nature of services to be maintained by them," shall be inserted.

11. **Substitution of new section for section 12.**—For section 12 of the principal Act, the following section shall be substituted, namely :—

"12. **After-care organisations.**—The Administrator may, by rules made under this Act, provide—

(a) for the establishment or recognition of after-care organisations and the powers that may be exercised by them for effectively carrying out their functions under this Act;

(b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of children after they leave children's homes or special schools and for the purpose of enabling them to lead an honest, industrious and useful life;

(c) for the preparation and submission of a report by the probation officer in respect of each child prior to his discharge from a children's home or special school, as the case may be, regarding the necessity and nature of after-care of such child, the period of such after-care, supervision thereof and for the submission of a report by the probation officer on the progress of each such child;

(d) for the standards and the nature of services to be maintained by such after-care organisations;

(e) for such other matters as may be necessary for the purpose of effectively carrying out the scheme of after-care programme of children.".

12. **Amendment of sections 14, 17 and 18.**—In sub-section (2) of section 14, section 17 and sub-sections (2) and (3) of section 18 of the principal Act, after the words "observation home", the words "or a place of safety" shall be inserted.

13. **Amendment of section 15.**—In sub-section (3) of section 15 of the principal Act —

(i) in the opening portion, after the words "observation home", the words "or a place of safety" shall be inserted;

(ii) in the proviso, after the word "unfit", the words "or unable" shall be inserted.

14. **Amendment of section 24.**—In section 24 of the principal Act, in sub-sections (1) and (2), for the words and figures "section 239 of the Code of Criminal Procedure, 1898", (5 of 1898) the words and figures "section 223 of the Code of Criminal Procedure, 1973" (2 of1974) shall be substituted.

15. **Amendment of section 28.**—In section 28 of the principal Act,—

(i) in sub-section (1), in clause (b), after the words "police officers", the words "and legal practitioners" shall be inserted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) No legal practitioner shall be entitled to appear before a Board in any case or proceeding before it, except with the special permission on that Board.".

16. **Amendment of section 50.**—In section 50 of the principal Act, in sub-sections (3) and (4), for the words and figures "section

488 of the Code of Criminal Procedure, 1898", (5 of 1898) the words and figures "section 125 of the Code of Criminal Procedure, 1973" (2 of 1974) shall be substituted.

17. **Amendment of section 55.**—In section 55 of the principal Act, for the words and figures ' Chapter XLII of the Code of Criminal Procedure, 1898", (5 of 1898) the words and figures (Chapter XXXIII of the Code of Criminal Procedure, 1973" (2 of 1974) shall be substituted.

18. **Amendment of section 58.** In section 58 of the principal Act,-in sub-section (1), for the words, figures and letter "section 29B and section 399 of the Code of Criminal Procedure, 1898", (5 of 1898) the words andfigures "section 27 of the Code of Criminal Procedure, 1973 (2 of 1974) shall be substituted.

19. **Amendment of section 59**.—In section 59 of the principal Act,—

(i) in sub-section (2),—

(a) in clause (d), the words "and the standards and the nature of services to be maintained by them" shall be added at the end;

(b) in clause (g), the words and figures ' and such other matters as are referred to in section 12" shall be added at the end;

(c) in clause (m)—

(1) for the words "fit person", the words "fit person or fit institution" shall be substituted;

(2) for the word "persons", the words "persons or institutions" shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

COMMERCE AND INDUSTRIES SECRETARIAT

Notification No. CI 75 EMO 75

Bangalore, dated 27th May 1978

In pursuance of Section 8 (2) of MM (R and D) Act 1957 and after obtaining approval of Government of India vide their letter No. 5/26/76-MV (A) dated 18th March 1978, the Government of Karnataka hereby renew the M. L. held by M/s V. S. Lad and Sons referred to in the schedule hereunder for a period of ten (10) yeasr with effect from 11th April 1976 subject to the usual terms and conditions of the lease.

No. and date of sanctioning to M. L.	Ore	Area	extent
G. O. No C&D 788/55/Geo 3-55-201; dated 21st March 1953.	Manganese Ore	R. M. Block village Sandur Taluk Bellary District	190

By Order and in the name of the Governor of Karnataka,

K. P. RAMAKRISHNA,
Under Secretary to Government,
Commerce and Industries Department.

Printed by the Director of Printing, Sty. & Publications; at the Govt. Press, B'lore.

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 24 LCA 78.
Bangalore, dated 5th May 1978.

Ordered that the High Denomination Bank Notes (Demonetisation) Act, 1978 (No. 11 of 1978) published in Part II Section 1 of the Gazette of India Extra-ordinary dated 30th March 1978 be republished in the *Karnataka Gazette* for the General Information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 30th March, 1978/Chaitra 9, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 30th March, 1978 and is hereby published for general information :--

THE HIGH DENOMINATION BANK NOTES (DEMONETISATION) ACT, 1978

No. 11 of 1978

[30th March 1978.]

An Act to provide in the public interest for the demonetisation of certain high denomination bank notes and for matters connected therewith or incidental thereto.

WHEREAS, the availability of high denomination bank notes facilitates the illicit transfer of money for financing transactions which are harmful to the national economy or which are for illegal purposes and it is therefore necessary in the public interest to demonetise high denomination bank notes ;

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title extent and commencement.**—(*1*) This Act may be called the High Denomination Bank Notes (Demonetisation) Act, 1978.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 16th day of January 1978.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "bank" means—

(*i*) a banking company as defined in clause (c) of Section 5 of the Banking Regulation Act, 1949; (10 of 1949)

(*ii*) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(*iii*) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959 (38 of 1959);

(*iv*) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings Act, 1970 : (5 of 1970);

(*v*) a regional rural bank established under sub-section (1) of section 3 of the Regional Rural Banks Act, 1976 (21 of 1976);

(*vi*) a co-operative bank as defined in section 2 of the Reserve Bank of India Act, 1934, (2 of 1934);
and includes every branch thereof.

(*b*) "bank notes" means the bank notes issued by the Reserve Bank of India under section 22 of the Reserve Bank of India Act, 1934 (2 of 1934);

(*c*) "distinctive number" in relation to a high denomination bank note means the number including the alphabetical and numerical prefixes appearing on the face of the note;

(*d*) "high denomination bank note" means a bank note of the denominational value of one thousand rupees, five thousand rupees or ten thousand rupees, issued by the Reserve Bank;

(*e*) "public sector bank" means a bank referred to in sub-clause (*ii*), (*iii*) or (*iv*) of clause (*a*);

(*f*) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934);

(*g*) "scheduled bank" means a public sector bank or any other bank, being a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934);

(*h*) "State Bank" means the State Bank of India constituted under the State Bank of India Act, 1955, (23 of 1955) ;

3. **High denomination bank notes to cease to be legal tender :—** On the expiry of the 16th day of January, 1978, all high denomination bank notes shall, notwithstanding anything contained in section 26 of the Reserve Bank of India Act, 1934, (2 of 1934); cease to be legal tender in payment or on account at any place.

4 **Prohibition of transfer and receipt of high denomination bank notes :—** Save as provided by or under this Act, no person shall, after the 16th day of January, 1978, transfer to the possession of another person or receive into his possession from another person any high denomination bank note

5 **Declaration of high denomination bank notes by banks and Government treasuries :—**(1) Every bank and Government treasury shall prepare and send to the Reserve Bank in the manner provided in this section a return showing separately under each denominational value the total value of high denomination bank notes of that value held by it at the close of business on the 16th day of January, 1978 and the distinctive numbers of high denomination bank notes of that value :

Provided that a bank or a Government treasury in which the currency chest of the Issue Department of the Reserve Bank has been established shall also submit a separate return showing separately under each denominational value the total value of high denomination bank notes held in such currency chest at the close of business on the 16th day of January, 1978 and the distinctive numbers of high denomination bank notes of that value.

(2). Every such return shall be prepared and presented as provided in sub-section (3) in triplicate and shall be signed by the Manager of the bank of other person in charge of the bank or the Government treasury.

(3) Every return under sub-section (1) shall be presented for forwarding to the Reserve Bank to the Manager of the sub-office, office or branch of the Reserve Bank at the places specified under sub section (2) of section 7, or to the District Magistrate, or to the sub-divisional Magistrate or, if such Manager or Magistrate is not available to the senior-most Revenue or Police Officer available not later than 3.00 p. m. on the 17th day of January, 1978 :

Provided that if it is not feasible to present the return to any such person as aforesaid, it may be presented by handing two copies thereof not later than 3 00 p. m. on the 17th day of January. 1978 to a telegraph office, one copy for despatch by express telegram to the Reserve Bank at Bombay at the expense of the bank or the Government treasury, as the case may be, and the other copy for return to the person presenting it in the manner provided in sub-section (4) and by despatching the third copy required by sub-section (2) by registered post on the same day to the Reserve Bank at Bombay.

(4) The officer to whom the return is presented shall give back to the person presenting it one copy thereof under his signature and seal of office in acknowledgement of receipt on which shall also be recorded the time and date of receipt, and such officer shall without delay forward one copy of the return to the Reserve Bank at Bombay.

(5) The Manager or other person in charge of every bank or Government treasury shall, immediately after the preparation of the returns required to be submitted under this section, cause the high denomination bank notes mentioned therein to be kept in a separate receptacle and seal the same with his seal and of the officers having custody of such receptacle.

6. **Exchange of high denomination bank notes held by banks and Government treasuries** :—(1) A bank other than a public sector bank may obtain from the Reserve Bank or a public sector bank an equivalent amount in exchange for the high denomination bank notes declared by it in the return referred to in section 5 by credit to an account maintained with the Reserve Bank or a public sector bank or in bank notes.

(2) A public sector bank may obtain from the Reserve Bank an equivalent amount in exchange for the high denomination bank notes declared by it in the return referred to in section 5 or the high denomination bank notes received by it in exchange under sub-section (1) by credit to an account with the Reserve Bank or in bank notes.

(3) A Government treasury may obtain from the Reserve Bank an equivalent amount in exchange for the high denomination bank notes declared by it in the return referred to in section 5 in bank notes or by credit to Government account.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), where the return referred to in section 5 is presented in the manner provided in the proviso to sub-section (3) of that section, the exchange referred to in this section may be effected only by the Reserve Bank at Bombay.

(5) Every application for the exchange of high denomination bank notes under this section shall be accompanied by the copy of the return received under sub-section (4) of section 5 which contains the distinctive numbers of such bank notes.

7. **Exchange of high denomination bank notes held by other persons** :—(1) Notwithstanding anything to the contrary contained in the Reserve Bank of India Act, 1934, (2 of 1934) any high denomination bank note owned by a person other than a bank or Govern-

ment treasury may be exchanged after the 16th day of January, 1978 only on tender of the note—

(a) where the high denomination bank note is owned by an individual, by the individual himself; or where the individual is absent from India, by the individual concerned or some person duly authorised by him in this behalf; or where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his hehalf;

(b) where the high denomination bank note is owned by a Hindu undivided family, by the *karta*, and, where the *karta* is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of his family;

(c) where the high denomination bank note is owned by a company, by the managing director thereof, or, where for any unavoidable reason such mangaing director is not able to tender the note, or where there is no managing director, by any director thereof;

(d) where the high denomination bank note forms part of the assets of a firm, by the managing partner thereof, or, where for any unavoidable reason such partner is not able to tender the note, or where there is no managing partner as such, by any partner therof not being a minor;

(e) where the high denomination bank note is owned by any other association of persons, by any member of the association or the principal officer thereof; and

(f) whereas the high denomination bank note is owned by any other person, by that person or by some person competent to act on his behalf;

and within the time and in the manner provided in this section.

(2) Every person desiring to tender for exchange a high denomination bank note under this section shall prepare in the form set out in the schedule three copies of a declaration signed by him giving in full the particulars required by that form and shall, not later than the 19th day of January 1978, deliver such copies in person together with the high denomination bank notes he desires to exchange—

(a) to either of the offices of the Reserve Bank at Bombay or to the sub-office, office or branch, as the case may be, of that bank at Ahmedabad, Bangalore, Bhubaneshwar, Calcutta, Gauhati, Hyderabad Jaipur, Kanpur, Madras, Nagpur, New Delhi and Patna: or

(b) to the main office or branch of the State Bank at the headquarters of a district; or

(c) to any other office of a public sector bank notified in this behalf by the Reserve Bank;

Provided that if such person resides in a place not within convenient reach of any such office or branch, or if, by reason of age, infirmity or illness he is unable to attend thereat, he may forward the high denomination bank notes he desires to exchange together with three copies of the declaration in respect thereof by insured post to the Reserve Bank at Bombay not later than the 19th day of January' 1978.

(3) Every declaration under this section shall, for the purpose of identifying the person making it, be attested by the manager or other person in charge of the bank, if any, with which he maintains an account, or by a salaried Magistrate or a Justice of the Peace or a police officer not below the rank of an Inspector of Police.

(4) Unless it appears that the declaration has not been complete in all material particulars, the Reserve Bank, the State Bank or any bank notified under clause (c) of sub-section (2), as the case may be, to which an application for exchange of high denomination bank notes is made under this section, shall pay the exchange value of the said notes for credit to a properly introduced account of the owner or the declarant, as the case may be, with any scheduled bank.

Provided that if the owner or declarant, as the case may be, does not have a bank account, the exchange value of the said notes shall be paid only on proper identification and until payment is so made, the amount shall remain in the custody of the Reserve Bank or the bank, as the case may be, to which the high denomination bank notes were tendered.

(5) Where it appears that the declaration has not been completed in all material particulars, the Reserve Bank, the State Bank or the notified bank, as the case may be, to which such application as aforesaid is made shall, unless the declarant is able to supply the omission without delay, refuse to accept and pay for the bank notes to which the declaration relates, and where it does so refuse, shall return one copy of the declaration to the declarant after entering therein the date on which it is presented and shall refer the matter to the Central Government to which it shall forward a copy of the declaration with a brief statement of the reasons for refusing to pay for the bank notes.

(6) The Central Government may require any declarant referred to in sub-section (5) to amplify his declaration to such extent and in respect of such particular as it thinks fit and may, unless the declarant is able to fully comply with such requirement, refuse, for reasons to be recorded in writing, to sanction the exchange of the high denomination bank notes to which the declaration relates.

7 The Central Government or any person or authority authorised by it in this behalf may, by order in writing and for reasons to be recorded therein, extend in any case or class of cases the period during which high denomination bank notes may be tendered for exchange under this section.

infirmity or illness he is unable to attend thereat, he may forward the high denomination bank notes he desires to exchange together with three copies of the declaration in respect thereof by insured post to the Reserve Bank at Bombay not later than the 19th day of January' 1978.

(3) Every declaration under this section shall, for the purpose of identifying the person making it, be attested by the manager or other person in charge of the bank, if any, with which he maintains an account, or by a salaried Magistrate or a Justice of the Peace or a police officer not below the rank of an Inspector of Police.

(4) Unless it appears that the declaration has not been complete in all material particulars, the Reserve Bank, the State Bank or any bank notified under clause (c) of sub-section (2), as the case may be, to which an application for exchange of high denomination bank notes is made under this section, shall pay the exchange value of the said notes for credit to a properly introduced account of the owner or the declarant, as the case may be, with any scheduled bank.

Provided that if the owner or declarant, as the case may be, does not have a bank account, the exchange value of the said notes shall be paid only on proper identification and until payment is so made, the amount shall remain in the custody of the Reserve Bank or the bank, as the case may be, to which the high denomination bank notes were tendered.

(5) Where it appears that the declaration has not been completed in all material particulars, the Reserve Bank, the State Bank or the notified bank, as the case may be, to which such application as aforesaid is made shall, unless the declarant is able to supply the omission without delay, refuse to accept and pay for the bank notes to which the declaration relates, and where it does so refuse, shall return one copy of the declaration to the declarant after entering therein the date on which it is presented and shall refer the matter to the Central Government to which it shall forward a copy of the declaration with a brief statement of the reasons for refusing to pay for the bank notes.

(6) The Central Government may require any declarant referred to in sub-section (5) to amplify his declaration to such extent and in respect of such particular as it thinks fit and may, unless the declarant is able to fully comply with such requirement, refuse, for reasons to be recorded in writing, to sanction the exchange of the high denomination bank notes to which the declaration relates.

7 The Central Government or any person or authority authorised by it in this behalf may, by order in writing and for reasons to be recorded therein, extend in any case or class of cases the period during which high denomination bank notes may be tendered for exchange under this section.

8 Exchange of notes after the time limit specified in section 7 (1) Notwithstanding anything contained in section 7, any person who fails to apply for exchange of any high denomination bank note within the time provided in that section may tender the notes together with the declaration required under that section to the Reserve Bank at any of the places specified in clause (a) of sub-section (2) af that section, not later than the 24th day of January 1978 together with a statement explaining the reasons for his failure to apply within the said time limit.

Provided that if such person resides in a place not within convenient reach of the sub-office or branch of the Reserve Bank at any of the said places or if, by reason of age, infirmity or illness, he is unable to attend thereat, he may forward the high denomination bank notes he desires to exchange together with three copies of the declaration required under section 7 by insured post to the Reserve Bank at Bombay not later than the 24th day of January, 1978 along with a statement explaining the reasons for his failure to apply within the time specified in section 7.

(2) The Reserve Bank may, if satisfied after making such inquiries as it may consider necessary that the reasons for the failure to submit the notes for exchange within the time provided in section 7 are genuine, pay the value of the notes in the manner specified in sub-section (4) of that section.

(3) Any person aggrieved by the Reserve Bank to pay the value of the notes under sub-section (2) may prefer an appeal to the Central Government within fourteen days of the communication of such refusal to him.

9. **Closing of banks and Government treasuries :** (1) All banks and Government treasuries shall be closed on the 17th day of January 1978 for the transaction of all business except the preparation and Presentation or, as the case may be, receipt of the returns referred to in section 5

2 Subject to the provisions of sub-section (1), the 17th day of January, 1978 shall, for the purposes of the Negotiable Instruments Act, 1881, (26 of 1881) be deemed to be a public holiday notified under that Act.

10. **Penalties :** (1) If any bank fails to prepare and present within the time and in the manner provided by section 5 any return referred to in that section, or presents any return under that section which is false in any material particular, the manager or other person in charge of thebank shall, unless he proves that the failure took place or the false return was presented without his knowledge or that he exercised all due diligence to prevent the same, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) Whoever knowingly makes in any declaration under section any statement which is false or only partially true or which he does not believe to be true or contravenes any provision of this Act or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) An officer of a scheduled bank who makes payment out of the amount, being the exchange value of a high denomination bank note credited under sub-section (4) of section 7 to an account maintained with such bank shall, unless such account is an account which has been opened after proper introduction, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

11. **Special provisions relating to offences.**—(1) No prosecution for an offence punishable under this Act shall be instituted except with the previous sanction of the Central Government.

(2) Notwithstanding anything in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974) the court of a Magistrate of the first class or the court of a Metropolitan Magistrate trying an offence punishable under this Act may impose a fine exceeding five thousand rupees.

12. **Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or against the Reserve Bank or any public sector bank or any officer of such bank for anything done or intended to be done in good faith under this Act.

13. **Removal of difficulties**:—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notification in the Official Gazette, make any order, not inconsistent with the provisions of this Act, which appears to it to be necessary for the purpose of removing the difficulty:

Provided that every such order shall, as soon as may be after it is made, be laid before each House of Parliament.

14. **Power to make rules.**—(1) The Central Government may make rules for giving effect to the provisions of this Act.

(2) In particular and without prejudie to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the custody and disposal of high denomination bank notes tendered for exchange under this Act and of the declarations in respect thereof;

(*b*) the time within which applications referred to in sub-section (5) of section 6 may be made; and

(c) the time within which and the manner in which the State Bank and public sector banks notified under clause (c) of sub-section (2) of section 7 may claim reimbursement from the Reserve Bank of payments made by them in respect of high denomination bank notes accepted by them under that section.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15. Repeal and saving.—(1) The High Denomination Bank Notes (Demonetisation) Ordinance, 1978 (1 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[*See* section 7 (2)

FORM OF DECLARATION

(To be filed in triplicate)

1. Name of the owner of the bank notes
   (In block letters)

2. Address : Office
   Residence

3. Status *i.e.*, whether individual, Hindu undivided family, company, firm, etc.

4. (a) Whether assessed to income-tax.

(b) If so, name of the Income-Tax Circle/Ward/District where last assessed ;

(c) Permanent Account Number.

5. If engaged in business, profession of vocation, name in which such business is carried on.

6. Principal place of business, profession or vocation, and location and style of each branch.

7. In the case of a firm, name and address of each partner.

8. In the case of a partner in a firm, name and address of each firm or firms in which he is a partner.

9. In the case of a salaried person, amount or salary per annum.

10. In the case of a Government emyloyee, Government Department and post held.

11. In the case of a retired Government employee, last post held Government Department under which such post was held and date of retirement.

12. In the case of a retired employee of a non-Government employer, particulars of last post held.

13. In the case of any other person, particulars of profession or vocation or, as the case may be, former profession or vocation.

14. Particulars of high denomination bank notes tendered.

Denomination	Number of Notes	Distinctive Numbers*	Total value
Rs. 1000			
Rs. 5000			
Rs. 10000			
		Rs.	Rupees (in words)

*Distinctive numbers of bank notes tendered should be furnished indicating alphabetical and numerical prefixes of the notes. Attach a statement if space is not adequate.

15. Reasons for keeping the amount in cash in notes of such high denominations.

16. When and from what source did the bank notes come into possession ?

17. If any of the notes tendered represent borrowings, the name (s) and address (es) of the persons from whom borrowed and the dates on which borrewed.

18. Manner in which payment of value of the bank notes is desired ; *i.e*, in cash or payment to bank, etc.

19. If payment is to be made into a bank account, full details of the bank account.

20. Has any other declaration been made in respect of other bank notes of the owner ? If so, state full particulars.

---

21. **If the declarant is not the owner of the bank notes, capacity in which declaration is signed.**

I, ——————, son/daughter/wife, of ——— hereby solemnly declare
(name in block letters) (name of father/husband)
that the particulars furnished above or full, true and correct to the best of my knowledge and belief. I further declare that the bank notes tendered herewith belong to me

——

to —————————— and are not held *benami*
name of owner of bank notes

I also solemnly affirm that I have ——————
not filed any other declaration under this
filed another/other declaration (s) as

Act

——————

per particulars attached.

I further declare that I am making this declaration in my capacity as ——————and that I am competent to make this declaration and verify is designation, etc.

Place :——————

Date : ——————

....

(Signature of declarant)

I, ——————hereby testify that I know the declarant and certify that the above declaration was signed in my presence.

Place :——————

Date : ——————

....

(Signature and designation)

SEAL

K. K. SUNDARAM,
Secy. to the Government of India.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 7 LCR 78.

Bangalore, dated 6th June 1978.

Ordered that the following Notification No. 14/21/76-LD. I, dated 15th February 1978 of the Government of India (Ministry of Agriculture and Irrigation) be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka.

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

No. 14. 21/76-LD I

GOVERNMENT OF INDIA
Ministry of Agriculture and Irrigation
(Department of Agriculture)
Krishi Bhavan, New Delhi-1

NOTIFICATION

Dated the 15th February 1978.

In exercise of the powers conferred by clause (k) of the Sub-Section (2) of Section 38 of the Prevention of Cruelty to Animals Act 1960 (59 of 1960), the Central Government hereby makes the following rules, the same having been previously published as required by the said section, namely:—

Prevention of Cruelty to Animals (*Application of Fines*) *Rules, 1978*

1. **Short title** :—These rules may be called the **Prevention of** of Cruelty to Animals (Application of Fines) Rules, 1978.

2. **Definitions.**—In these rules, unles the context otherwise requires;

(a) 'Act' means the Prevention of Cruelty to Animals Act, 1960 (59 of 1960).

(b) 'Board' means the Animal Welfare Board established under the Act ;

(c) 'Fines' means fines levied under the Act,

3. Fines, after deducting cost of collection, to be made over to Board : (1) fines levied and realised under the Act shall, subjct to any deductions relationg to the cost of collection, be made over by the State Government to the Board as soon as may be after due appr-apriation by law (by StateLegislature) in this behalf.

4. Application of fines made over to Board :—(1) Fines made over by any State Government to the Board shall be applied exclusively for the following purposes namely :—

(i) the grant of financial assistance to societies dealing with the Prevention of cruelty to Animals or organisations actively interested in animal welfare work which are for the time being recognised by the Board ;

(ii) the maintenance of infirmaries, pinjrapoles and veterinary hospitals

(2) Fines realised in one State and made over to the Board-shall be utilised only for the benefit of such societies or other organisations within the jurisdiction of that State and not otherwise.

5. Principles to govern application of fines :—In applying the fines for the benefit of societies or other organisations in any state, the Board shall have due regard to the following principles; namelly :

(i) financial assistance shall first be given to societies dealing with the prevention of cruelty to animals within the jurisdiction of the State which are for the time being recognised by the Board ;

(ii) in granting financial assistance to such societies, due regard shall be had to the amounts they had been receiving from the State Government prior to the coming intoforce of these rules, and consistently with the amount of fines at its disposal and having regard to the revenues of the societier concerned, the objects for which assistance is to be given and other relevant matters, the Board shall make every endeavour to ensure that there is no diminution in the amounts such societies had been receiving earlier ;

(iii) if after the grant of financial assistance to the societies earlier referred to in this rules, there is any unspent balance, it may be applied by the Board at its discretion for the benefit of any other organisation actively interested in animal welfare work including Infirmaries pinjrapoles, and veterinary hospitals.

B. B. KAPUR,
9 *Deputy Secretary to Govt. of India*

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PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 6 LCR 78

Bangalore, dated 31st May 1978

Ordered that the Income-Tax (Amendment) Rules, 1978 published in Part II, Section 3 (ii) of the *Gazette of India*, Extraordinary, dated 18th January 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

CENTRAL BOARD OF DIRECT TAXES

Notification

New Delhi, the 18th January, 1978

INCOME-TAX

S. O. 24 (E).—In excercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. These rules may be called the Income-tax (Amendment) Rules, 1973.

2. In the Income-tax Rules, 1962,—

(i) after rule 6AA, the following rule shall be inserted, namely :—

"6AAB. Statement of expenditure for claiming deduction under section 35CC.—

The statement of expenditure required to be furnished under sub-section (3) of section 35CC shall be in Form No, 3AA." ;

(ii) in Appendix II, after Form No. 3A, the following Form shall be inserted, namely:—

"FORM No. 3AA

[*See* Rule 6AAB]

†Statement of expenditure to be furnished for the purposes of deduction under section 35CC of the Income-tax Act, 1961

1. Name and address of the *company/co-operative society ....
....
2. Parmanent Account Number ....
3. Previous year ....
4. Assessment year
5. Date on which the programme of rural development was approved by the prescribed authority ....
(Please attach a true copy of the order of the prescribed authority approving the programme,
6. (a) Copy of the programme of rural development as approved by the prescribed authority ....
(b) Particulars of rural area covered by the programme ....
....
(c) Particulars of work done during the previous year towards implementing the approved programme of rural development
[Please attach separate sheet(s), if necessary]
7. Total expenditure incurred during the previous year on the approved programme of rural development
8. Where any part of the expenditure referred to in item 7 above has been incurred before the approval of the programme of rural development by the prescribed authority, please specify the amount thereof ....
9. Qualifying amount of expenditure ....
(Item 7 *minus* Item 8) ....

‡10. Amount of expenditure, out of the expenditure referred to in item 9 above, which has resulted in the acquisition or creation of any one or more of the following assets:—

(i) Land ....

(ii) Building ....

(iii) Mechinery or plant ....

....

(iv) Furniture ....

Total

11. (a) Has the *company/co-operative society divested itself of the ownership of the assets referred to in item 10 above before the end of the previous year?

(b) If the answer to (a) above is in the affirmative, please indicate the date on which and the persons/authority in whose favour the property has been divested ....

....

(c) If the answer to (a) above in the negative, please specify the amount of expenditure which has resulted in the acquisition or creation of assets the ownership whereof has not been so divested

12. Where the expenditure referred to in item 10 above includes any expenditure in respect of work-in-progress, please specify the amount thereof ....

13. Amount of expenditure, out of the expenditure referred to in item 9 above, which has not resulted in the acquisition or creation of any asset, being land, building, macninery, plant or furniture

[Please annex a break-up of various items of expenditure under appropriate account heads, e.g., purchase of goods; salaries and wages of regular employees; other salaries and wages; conveyance and travelling, etc. Any item under which the expenditure exceeds Rs. 5,000 should be shown as a separate and distinct item against an appropraite account head and not combined with any other item or shown under 'Miscellaneous expenses', Where the approved programme of rural development consists of more than one separate and distinct project, a break-up expenditure on the above lines should please be furnished in respect of expenditure incurred in respect of each such project separately.

14. Where the entire expenditure incurred on the approved programme of rural development has not been debited to a separate account, please specify the various accounts to which such expenditure has been debited and the amount debited to each such amount.

15. (a) Whether the assessee has maintained original bills, receipts, etc. in respect of the expenditure referred to in item 9 above ....

(b) Whether such expenditure has been checked with reference to the bills, receipts, etc. and found to be in order.

16. (a) Whether any payment exceeding Rs. 2,500 has been made in respect of the expenditure on the approved programme of rural development otherwise than by a crossed cheque or a crossed bank draft—section 40A (3) of the Income-tax Act. If so, please give details of such payments ....

(b) Whether the expenditure incurred on the approved programme of rural development includes any expenditure not deductible under any other provision of the Income-tax Act. If so, please give particulars thereof ....

17. Amount of expenditure claimed as deduction under section 35CC (1) ....

The particulars given herein above have been prepared on an examination of the books of account and other other documents maintained by M/s———————————————————————
(Name of the *company/co-operative society)

*I/We have obtained all the information and explanations which to the best of *my/your knowledge and belief were necessary for the purpose of preparing the statement of expenditure on the programme of rural development. In *my/our opinion and to the best of *my/our information and according to the explanations given to *me/us, the particulars given herein above are true and correct.

....
(Signed)

Place ....
Date......................... (Accountant)

Notes.—(1) *Where any expenditure has been incurred during the the previous year in respect of more than one programme of rural development, please furnish separate statements in respect of each such programme.

(2) *Delete whichever is not applicable.

(3) ‡Where the assessee has constructed any building for the purposes of the programme of rural development, please furnish break-up of the expenditure under convenient heads, *e. g.*, purchase of materiasls, etc. used; salaries and wages of regular employees; other salaries and wages, etc. Any item under which the expenditure exceeds Rs. 5,000 should be shown as a separate and distinct item and not combined with any other item or shown under 'Miscellaneous expenses'.

(4) @This statement is to be signed by—

(i) a chartered accountant wihtin the meaning of the Chartered Accounts Act, 1940 (38 of 1949);

(ii) any person who, in relation to any State is by virtue of the provisions in sub-section (2) of section 226 of the Companies Act, 1956 (1 of 1956), entitled to be appointed to act as an auditor of companies registered in that State.

(5) Where the whole or a part of the approved programme of rural development has been executed on behlf of the assessee by its agent, a detailed break up of the expenditure prepared on the basis of the statement of account rendered by the agent to the assessee and supporting bills, vouchers, etc, should be given on the lines indicated above."

[No. 2 128/F 1 No. 142(25) 77-TPL]

S. N. SHENDE, Secy.

Notification No. LAW 31 LCA 78.

Bangalore, dated 17th June 1978.

Ordered that the Port Laws (Amendment) Act, 1978 (17 of 1978) published in Part II Section I of the *Gazette of India*, Extraordinary, dated 4th May 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka;

A. NEELAKANTARYA,
Under Secretary to Government,
13 *Department of Law and Parly. Affairs.*

Assented to on 4th May 1978 Act No. 17 of 1978

THE PORT LAWS (AMENDMENT) ACT, 1978

AN

ACT

further to amend the Indian Ports Act, 1908 and the Major Port Trust Act, 1963.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. **Short title.**—(1) This Act may be called the Port Laws (Amendment) Act, 1978.

2. **Amendment of section 5 of Act 15 of 1908.**—In the Indian Ports Act, 1908, in sub-section (1) of section 5, the following *Explanation* shall be inserted at the end, namely:—

> "*Explanation*:—For the removal of doubts, it is hereby declared that the power conferred on the Government by this sub-section includes the power to alter the limits of any port by uniting with that port any other port or any part of any other port."

3. **Amendment of section 133 of Act 38 of 1963.**—In section 133 of the Major Port Trusts Act, 1963, in sub-section (3), after the words "that corresponding law shall, on such application, cease to have force in relation to that port", the words and figures ' and section 6 of the General Clauses Act, 1897, (10 of 1897) shall apply as if such corresponding law were a Central Act and such cesser of operation were a repeal" shall be inserted.

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LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 5 LCR 78

Bangalore, dated 31st May 1978.

Ordered that the Central Excise (Second Amendment) Rules, 1978 published in Part II, Section 3 (i) of the Gazette of India Extraordinary dated 25th January, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,

Under Secretary to Government,
Department of Law and Parliamentary Affaires.

GOVERNMENT INDIA
MINISTRY OF FINANCE
(Department of Revenue)

New Delhi, the 25th January 1978

Notification

Central Excise

G.S.R. 44 (E).—In exercise of the powers conferred by section 37 of the Central Excise and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called the Central Excise (Second Amendment) Rules, 1978.

(2) They shall come into force on the 1st day of February, 1978.

2. In the Central Excise Rules, 1944 (hereinafter referred to as the said rules), in rule 9 B, —

(a) for sub-rule (1), the following sub-rule shall be substituted namely:—

"(1) Notwithstanding anything contained in these rules,—

(a) where the proper officer is satisfied that an assessee is unable to produce any document or furnish any information necessary for the assessment of duty on any excisable goods, or

(b) where the proper officer deems it necessary to subject the excisable goods to any chemical or any other test for the purpose of assessment of duty thereon, or

(c) where an assessee has produced all the necessary documents and furnished full information for the assessment of duty, but the proper officer deems it necessary to make further inquiry (including the inquiry to satisfy himself about the due observance of the conditions imposed in respect of the goods after their removal) for assessing the duty.

the proper officer may, either on a written request made by the assessee or on his own accord, direct that the duty leviable on such goods shall, pending the production of such documents or furnishing of such information or completion of such test or enquiry, be assessed provisionally at such rate or such value (which may not necessarily be the rate or price declared by the assessee) as may be indicated by him, if such assessee executes a bond in the proper form with such surety or sufficient security in such amount, or under such conditions as the proper officer deems fit, binding himself for payment of the difference between the amount of duty as provisionally assessed and as finally assessed.",

(b) in sub-rule (3), for the words "manufacturer, curer or owner of excisable goods", the word 'assesse' shall be substituted; and

(c) in sub-rule (5), for the words "manufacturer, curer or owner of the goods." the word "assessee" shall be substituted.

3 In rule 52A of the said rules, after sub-rule (1), the following Explanation shall be inserted, namely:—

"Explanation.—In this rule, and in any other rule; where the term "gate-pass" is used, it shall mean the assessee's own delivery invoice, challan or advice note or other document of similar nature wherein all the particulars contained in the proper form are shown."

4. In the said rules, for the existing rule 53, the following shall be substituted, namely:—

"53. Daily stock account.—(1) Every manufacturer shall maintain a stock account in such Form as the Collector may in any particular case or class of cases allow, and shall enter in such account daily—

(a) description of goods,

(b) opening balance,

(c) quantity manufactured,

(d) quantity deposited in the store-room, or other place of storage approved by the Collector under rule 47,

(e) quantity removed, after payment of duty from such store-room or other place of storage or from the place or permises specified under rule 9.

(f) quantity delivered from the factory without payment of duty for export or other purposes, and

(g) the rate of duty and the amount of such duty:

Provided that a manufacturer who furnishes a declaration in the Form annexed hereto may be exempted by the Collector from making 'nil' entries in the above account on days on which there is no production, receipt in store-room, or clearance of excisable goods.

Declaration

The Collector of Central Excise.........having permitted me/us, in relaxation of the provisions of rule 53 read with rule 226 of the Central Excise Rules, 1944, to make entries in the different openings of the stock account only on those dates when there is any transaction of the nature mentioned in the said rule in respect of the particular description/variety/size of packing of the excisable goods, I/We hereby solemnly declare that no such transaction has taken place on any date for which no entries are made in the stock account for the particular description/variety/size of packing of the goods. I/We hereby undertake to make regular daily entries in the said account in respect of each description/variety/size of packing of the goods in respect of each transaction mentioned in rule 53 of the said rules on the particular day.

Signature of Licensee

(2) The stock account maintained under sub-rule (1) shall, after being filled up, be preserved for a period of not less than five years and kept available for inspection by any officer.

(3) Unless specially exempted by the Collector by order in writing a manufacturer shall send all books of accounts as are maintained under sub-rule (1), before they are brought into use, for authention by the proper officer in such manner and at such time as the Collector may dirct, and such books of account shall be deemed to be a stock account in the proper form."

5. In rule 173A of the said rules, at the end of sub-rule (1), the following provison and Explanation shall be inserted, namely:—

"Provided that from amongst the excisable goods as are specified under this sub-rule, the Central Government may, by notification in the Official Gazette, declare certain excisable goods as declared excisable goods and the provisions of this

Chapter shall, subject to such modifications as are indicated in relation to such declared goods in any rule under this Chapter, apply".

"Explanation.—The expression 'declared exciseable goods', wherever it occurs, in this Chapter means the goods declared under this proviso."

6. In rule 173 B of the said rules,

(a) in sub-rule (1) for the words "Before removing exciseable goods, every", the word "Every" shall be substituted; and

(b) after sub-rule (2), the following sub-rule shall be inserted, namely :—

"(2A) All clearances shall, subject to the provisions of rule 173CC, be made only after the approval of the list by the proper officer If the proper officer is of the opinion that on account of any inquiry to be made in the matter or for any other reason to be recorded in writing there is likely to be delay in according the approval, he shall, either on a written request made by the assessee or on his own accord, allow such assessee to avail himself of the procedure prescribed under rule 9B for provisional assessment of the goods"

In rule 173C of the said rules.—

(a) in sub-rule (1), after the words "to the buyers", the following words "along with such other particulars as the Central Board of Excise and Customs or the Collector may specify" shall inserted; and

(b) in sub-rule (2A)

(i) for the words "All clearances shall be made only after the approval of the prite list by the proper officer", the words, figures and letters 'All clearances shall, subject to the provisions of rule 173CC, be made only after the approval of the price list by the proper officer" shall be substituted; and

(ii) for the words "on a written request made by the assesse", the words, either on a written request made by the assessee or on his own accord" shall be substituted.

8. After rule 173C of the said rules, the following rule shall be inserted, namely :—

"173CC. Assessee may remove goods in certain cases pending approval by the proper officer of the classification or price list.

An assessee—

(a) who is licensed for the first time for the manufacture of excisable goods or for the storage of such goods in his warehouse and has filed the classification list or, as the case may be, the price list, or

(b) who has manufactured new excisable goods the first time and has filed the classification list or as the case may be, the price list, or

(c) who desires to receive the price list previously approved by the proper officers and where the price list as so revised—

(i) leads to a value higher than that shown in the previously approved price list, or

(ii) leads levy of duty at a rate higher than that shown in the previously approved classification list

may, after he has filed the list or, as the case may be, the revised list, and pending approval of such list by the proper officer, remove such goods, on payment of duty on the basis declared in the list or, as the case may be, the revised list, and thereupon the duty paid on such goods shall be deemed to be the duty assessed provisionally under rule 9B :

Provided that the facility in this rule to remove the goods pending approval of such list shall cease, if the assessee fails to execute, within 14 days of the first clearance under such list, a bond in the proper form for such amount with such security or surety as the proper officer may specify.

Explanation.—For the purpose of this rule,—

(i) 'classification list' means the list referred to in sub-rule (1) of rule 173B ; and

(ii) 'price list' means the price list referred to in sub-rule (1) of rule 173C."

9 In rule 173F of the said rules, after the figures and letter "173C", the figures and letter "or 173CC" shall be inserted.

10 In rule 173G of the said rules,—

(a) in sub-rule (1), after clause (ii) of the proviso, the following clause shall be inserted, namely :—

"(ii) the proper officer may allow an assessee who manufacturers one or more of the declared excisable goods, irrespective of the number of consignments removed by him in the previous calendar year, to make consolidated debit in the account-current at the end of the day towards payment of duty.",

(b) in sub-rule (2)—

(i) the words "or like document", "or like document or documents" and "or like documents" wherever they occur, shall be omitted;

(ii) after clause (iv) of the proviso, the following clauses shall be inserted, namely:—

"(v) unless specially exempted by the Collector by order in writing, the assesse shall, before any book of gatepasses is brought into use, have each gatepass in such book authenticated by the proper officer, in such manner as the Collector may direct;

(vi) where any correction, other than one relating to the date or the time of removal of the goods or to the description of the goods (including the variety of goods, the number and description of packages and the identification marks thereon) become necessary in any gatepass before removal of the goods, such correction may be made by the assessee provided this is done neatly and over his dated signature in all copies of the gatepass;

(vii) where the assessee after he has debited the duty due on the goods in the account current referred to in sub-rule (1), finds it necessary to cancel any gatepass, he shall send an intimation thereof in writing to the proper officer not later than the working day next following the day on which such gatepass is cancelled, and may thereupon take credit of the duty in that account."; and

(c) the existing sub-rule (4) shall be re-numbered as clause (a) thereof, and—

(i) in clause (a), as so re-numbered, after the words "time to time require", the words "or permit, subject to such conditions as may be specified by him", shall be inserted; and

(ii) after clause (a), as so re-numbered, the following clause shall be inserted, namely:—

"(b) Unless specially exempted by the Collector by order in writing, all books of accounts maintained under clause (a) shall be sent by him, before these are brought into use, for authentication by the proper officer in such manner and at such time as the Collector may direct;"

"(c) In respect of any assessee, or class of assessees, the Collector may direct that all books of accounts maintained under clause (a), subject to what has been stated in clause (b), shall be deemed to be the proper form for the respective purpose."

11. In the said rules, the existing the rule 173K shall be renumbered as sub-rule (1) thereof and,—

(1) In sub-rule (1) as so renumbered—

(a) after the words "excisable goods", the words "other than the declared excisable goods" shall be inserted;

(b) for the words, brackets and figure beginning with "In sub-rule (3)" and ending with...... "quantity thereof", the following shall be substituted, namely :—

"In sub-rule (3) of rule 56A—

(a) in clause (i)—

(i) sub-clause (a), shall be omitted.

(ii) for sub-clause (c), the following sub-clause shall be substituted, namely :—

"(c) inform the proper Officer in writing in the proper form regarding receipt of each consignment of exise duty paid or the countervalling duty paid material or component part or finished product within twenty-four hours of its receipt to enable the proper officer to identify the material or component parts or finished product, as the case may be, and verify the actual quantity thereof within forty-eight hours of receipt of the aforesaid information."

(2) after sub-rule (1) as so renumbered, the following sub rule shall be inserted, namely :—

"(2) In relation to the declared excisable goods, the modifications to rule 56A specified below sub-rule (1) shall apply except that sub-clause (c) of clause (i) of sub-rule (3) of the said rule 56A, shall be substituted as follows namely :—

"(e) Inform the proper officer in writing in the proper form regarding receipt of each consignment of excise duty paid or the countervailing duty paid material or component parts or finished product within twenty-four hours of its receipt to enable the proper officer, if he deems it necessary, to identify the material or component parts or finished product as the case may be, and verify the actual quantity thereof."

12. In sub-rule (1) of rule 173-L of the said rules,—(a) in clause (ii) of the proviso, after the words "within twenty-four hours of such re-entry", the words, "to enable the proper officer to verify the particulars of such goods within forty-eight hours of receipt of the information shall be inserted, and

(b) after the proviso, the following proviso shall be inserted, namely :—

"Provided further that in relation to the declared excisable goods, for clause (ii) of the first proviso, the following clause shall be substituted, namely :—

"(ii) the assessee gives information of the re-entry of each consignment of such excisable goods into the factory to the proper officer in writing in the proper from within twenty-four hours of such re-entry ;".

13. - In sub-rule (1) of rule 173-M of the said rules—(a) in clause (ii) of the proviso, after the words, "within twenty-four hours of such re-entry" the words "to enable the proper officer to verify the particulars of such goods within forty-eight hours of receipt of the information" shall be inserted ; and (b) after the proviso, the following proviso shall be inserted, namely :—

"Provided further that in relation to the declared excisable goods, for clause (ii) of the first proviso, the following claus shall be substituted, namely :—

"(ii) the assessee gives information of the re-entry of each consignment of such excisable goods into the factory to the proper officer in writing in the proper form within twenty-four hours of such re-entry ;".

14. In the said rules, to sub-rule (2) of rule 185 as substituted by rule 173-O, the following proviso shall be added, namely :—

"Provided that the payment of the appropriate charges determined by the Collector shall only be required in cases where the examination of goods is to be carried out before ten O'Clock in the forenaon, or after six O'Clock in the after-noon.

(No. 10/78-CE)

[No. 10/78-C.E.-F. No. 318/1/76-CX. 10/SRP.]

N. C. JAIN,
Under Secretary

Notification No. LAW 28 LCA 78
Bangalore, dated 9th June 1978.

Ordered that the Banking Service Commission (Repeal) Act, 1978 (No. 20 of 1978) published in Part II, Section 1 of the Gazette of India, *Extraordinary* dated 18th May, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka

A. NEELAKANTARYA,
Udner Secretary to Government.
Deptt. of Law and Parliamentary Affairs.

Assented to on 18th May 1978 *Act No. 20 of 1978.*

THE BANKING SERVICE COMMISSION (REPEAL) ACT 1978

AN

ACT

to repeal the Banking Service Commission Act, 1975.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1 **Short title and commencement** :—(1) This Act may be called the Banking Service Commission (Repeal) Act, 1978.

(2) It shall be deemed to have come into force on the 19th day of September, 1977.

2. **Definitions**.—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 19th day of September, 1977 ;

(b) "Banking Service Commission" means the Banking Service Commission established under section 3 of the Banking Service Commission Act, 1975 (42 of 1975).

3. **Repeal of Act 42 of 1975 and the dissolution of the Banking Service Commission.**—On the appointed day the Banking Service Commission Act, 1975, shall stand repealed and the Banking Service Commisssion shall stand dissolved.

4 **Consequential provisions**.—On the dissolution of the Banking Service Commission,—

(a) (i) the person appointed as the Chairman of the Banking Service Commission ; and

(ii) every other person appointed by the Banking Service Commission,

and holding office as such immediately before the appointed day shall vacate their respective offices and no such Chairman or other person shall be entitled to claim any compensation for the premature termination of the term of his office or of any contract of service ;

(b) any proceeding of whatever nature pending before the Banking Service Commission immediately before the appointed day shall stand terminated ;

(c) the balance of all monies (including any fee) received by, or advanced to, the Banking Service Commission and not spent by it before the appointed day shall on the appointed day, stand transferred to, and shall vest in, the Central Government and shall be utilised for the purposes of clauses (e) and (f) ;

(d) all property of whatever kind owned by, or vested in, the Banking Service Commission immediately before the appointed day, shall, on the appointed day, stand transferred to, and shall vest in, the Central Government ;

(e) all liabilities and obligations of whatever kind incurred by the Banking Service Commission and subsisting immediately before the appointed day shall. on and from the appointed day, be deemed to be the liabilities or obligations, as the case may be, of the Central Government; and any proceeding or cause of action, pending or existing immediately before the appointed day by or against the Banking Service Commission in relation to such liability or obligation may, as from the appointed day, be continued or enforced by or against the Central Government.

Explanation.—For the purposes of this clause, "liability" does not include any liability for any money advanced to the Banking Service Commission under sub-section (3) of section 19 of the Banking Service Commission Act, 1975 (42 of 1975).

(f) all monies vested in the Central Government under clause (c) shall, after deducting the amount incurred for discharging the liabilities and obligations under clause (e), be refunded by the Central Government to each public sector bank as defined in clause (h) of section 2 of the Banking Service Commission Act, 1975, (42 of 1975), in proportion to the amount advanced by such public sector bank to the Banking Service Commission under sub-section (3) of Section 19 of that Act.

5. **Savings.**—(1) Anything done or any action taken under the Banking Service Commission (Repeal) Ordinance, 1977, (10 of 1977) which ceased to operate, shall be deemed to have been done or taken under the corresponding provisions of this Act.

(2) Nothing in this Act shall be deemed to affect the right of the Chairman of the Banking Service Commission or of any other person appointed by the said Commission to receive salary, allowances or other benefits, in accordance with the terms and conditions of service applicable to him, for the period from the date of cesser of operation of the said Ordinance till the date on which this Act receives the assent of the President (both days inclusive).

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3. Amendment of section 20.—In section 20 of the Coking Coal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

"(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons to also exercise all or any of the powers exerciable by him under this Act, and different persons may be authorised to exercise different powers.

(2A) Any person authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.".

4. Insertion of new section 22A.—After section 22 of the Coking Coal Act, the following section shall be inserted, namely:—

"**22A. Validation of certain collections.**—(1) Notwithstanding anything contained in section3, as amended by section 2 of the Coal Mines Nationalisation Laws (Amndment) Act, 1978, any money collected by the Central Government or the Government company during the period commencing on the appointed day and ending with the date specified under sub-section (3) of section 22 shall be deemed to have been validly collected by the Central Government or the Government company, as the case may be, and any such money shall applied in accordance with the provisions of section 22.

(2) Any money collected as aforesaid shall not be called in question in any court of law.".

5. Amendment of section 23.—In section 23 of the Coking Coal Act,—

(a) in sub-section (1A)

(i) after the words and figures "the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948."; (46 of 1948) the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972. namely :—

"and claims in relation to any other matter may be filed on behalf of all or any of the persons so employed or any group of such persons by any Trade Union, registered under the Trade Unions Act, 1926, (16 of 1926) or where no such claim has been filed by any Trade Union, by the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him;";

(ii) in the proviso, after the words "the Coal Mines Provident Fund Commissioner", the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972, namely :—

"or the Trade Union or the Chief Labour Commissioner (Central) or any officer subordinate to him,";

(b) after sub-section (1A), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of November, 1973, namely :—

"(1AA) Where any claim, not being a claim which was time-barred on the 17th day of October, 1971, was preferred under sub-section (1) within the period spefied therefor and was rejected merely on the ground that such claim was time-barred, such claim shall be deemed not to have been rejected and the Commissioner shall restore on his file such claim and shall deal with it in the manner specified in this section.";

(c) after sub-section (9), the following sub-section shall be inserted, namely :—

"(9A) The Commissioner may, on receipt of a claim,—

(a) elect to settle the claim himself; or

(b) transfer the claim for settlement to a person authorised in this behalf under sub-section (2) of section 20 ; or

(c) withdraw the claim from the person referred to in clause (b) and either settle the claim himself or transfer it for disposal to any other person who has been authorised in this behalf under sub-section (2) of section 20." ;

(d) in sub-section (10),

(i) for the words "A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision,", the words "A claimant or owner who is dissatisfied with the decision of the Commissioner may prefer an appeal, within a period of sixty days from the date of the decision," shall be substituted ;

(ii) after the proviso, the following further proviso shall be inserted, namely :—

"Provided further that any appeal which has net been preferred before the date on which the Coal Mines Nationalisation Laws (Amendment) Act, 1978, receives the assent of the President, shall be preferred within a period of sixty days from such date.".

6. **Insertion of new section 23A.**—After section 23 of the Coking Coal Act, the following section shall be inserted, namely :—

"23A. **Application of sections 5 and 12 of the Limitation Act.**—The provisions of sections 5 and 12 of the Limitation Act, 1963, (36 of 1963) shall, so for as may be, apply to appeals under section 23.".

7. **Insertion of new section 24A.**—After section 24 of the Coking Coal Act, the following section shall be inserted, and shall

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 34 LCA 78.

Bangalore, dated 26th June 1978.

Ordered that the Coal Mines Nationalisation Laws (Amendment) Act, 1978 (No. 22 of 1978) published in Part II. Section 1 of the Gazette of India Extraordinary dated 29th May, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 29th May 1978/Jyaistha 8, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 27th May, 1978, and is hereby published for general information :—

THE COAL MINES NATIONALISATION LAWS (AMENDMENT) ACT, 1978

No. 22 of 1978 [27th May, 1978]

An Act further to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Coal Mines Nationalisation Laws (Amendment) Act, 1978.

2. **Amendment of section 3 of Act 36 of 1972** :—In section 3 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking Coal Act).—

(*i*) in clause (*b*), in sub-clause (*vi*) for the *Explanation*, the ollowing *Explanation* shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1972, namely:—

'*Explanation.*—The expression "current assets" does not include,—

(*a*) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(*b*) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952, (19 of 1952) prior to the repeal of the said Act, with respect to any period before the appointed day ;

(*c*) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coke oven plant ;

(*d*) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills ;

(*e*) earnest money deposited by the owners with the Railways for obtaining contracts;'.

(*ii*) in clause (*j*), in sub-clause (*xi*), for the *Explanation*, the following *Explanation* shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1972, namely :—

'*Explanation* :—The expression "current assets" does not include,—

(*a*) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day ;

(*b*) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952 (19 of 1952) prior to the repeal of the said Act, with respect to any period before the appointed day;

(*c*) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coking coal mine ;

(*d*) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payments of bills;

(*e*) earnest money deposited by the owners with the Railways for obtaining contracts;'.

be deemed to have been inserted with effect from the 1st day of May, 1972, namely:—

"24A. **Interest on admitted claims.**—Notwithstanding any award, decree or order of any court, tribunal or other authority, passed before the appointed day, in relation to any coking coal mine or coke oven plant, where any amount is payable in respect of a claim admitted under this Act, the interest payable on such amount for any period after the appointed day shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner under section 21.".

8. **Insertion of new section 25A.**—After section 25 of the Coking Coal Act, the following section shall be inserted, namely:

"25A. **Notice to owners of coking coal mines or coke oven plants and managing contractors etc.**—(1) After meeting the liabilities of persons whose claims have been admitted under this Act, the Commissioner shall notify, in such manner as he may think fit, the amount of money available with him and specify in such notification a date within which the owners of the coking coal mines or coke oven plants, the managing contractors and the owners of any machinery, equipment or ther property which has vested in the Central Government or a Government company under this Act and which does not belong to the owners of the coking coal mines or coke oven plants may apply to him for payment.

(2) Where any application is made under sub-section (1), the Commissioner shall, after satisfying himself as to the right of the applicant to receive the whole or any part of the amount, pay the amount to the person concerned and in the event of there being a doubt or dispute as to the right to the person to receive the whole or any part of the amount, the Commissioner shall deal with the application in the manner specified in sub-section (1) of section 26".

9. **Amendment of section 27.**—In section 27 of the Coking Coal Act, for the words "which remains undisbursed or unclaimed after such payment for a period of three years", the words "which remains undisbursed or unclaimed for a period of three years from the day on which the last order for disbursement was made" shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of March, 1976.

10. **Amendment of section 2 of Act 26 of 1973.**—In section 2 of the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the Coal Mines Act), in clause (h), for sub-clause (xii), following sub-clause shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1973, namely:—

(xii) all other fixed assets, movable and immovable, belonging to the owner of a mine, wherever situated, and current assets.

belonging to a mine, whether within its permises or outside.

Explanation.—The expression "current assets" does not include,—

(a) dues representing thes ale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(b) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952, 19 of 1952. prior to the repeal of the said Act, with respect to any period before the appointed day;

(c) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coal mine

(d) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills;

(e) earnest money deposited by the owners with the Railways for obtaining contracts;'.

11. **Amendment of section 18.**—In section 18 of the Coal Mines Act, in sub-section (2), for the words "any period, after the appointed day,", the words "the period" shall be substituted.

12. **Insertion of new section 19A.**—After section 19 of tho Coal Mines Act, the following section shall be inserted, namely :—

19A. **Validation of certain collections.**—(1) Nothwithstanding anything contained in section 2, as amended by section 10 of the Coal Mines Nationalisation Laws (Amendment) Act, 1978, any money collected by the Central Government or the Government company during the period commencing on the appointed day and ending with thb date specified under seb-section (3) of section 19 shall be deemed to have been validly collected by the Central Government or the Government company, as the case may be, and any such money shall be applied in accordance with the provisions of section 19.

(2) Any money collected as aforesaid shall not be called in question in any court of law.".

13. **Amendment of section 20.**—In section 20 of the Coal Mines Act,—

(a) in sub-section (2),—

(i) after the words and figures "the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948;", (46 of 1948.) the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely :—

"and claims in relation to any other matter may be filed on behalf of all or any of the persons so employed or any group of such persons, by any Trade Union, registered under the Trade Unions Act, 1926, (16 of 1926) or, where no such claim has been filed by any Trade Union, by the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him;";

(ii) in the proviso, after the words "the Coal Mines Provident Fund Commissioner", the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely:—

"or the Trade Union or the Chief Labour Commissioner (Central) or any officer subordinate to him,".

(b) after sub-section (2), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of November, 1975, namely:—

"(3) Where any claim, not being a claim which was timebarred on the 31st day of January, 1973, was preferred under sub-section (1) within the period specified thereof and was rejected merely on the ground that such claim was time-barred, such claim shall be deemed not to have been rejected and the Commissioner shall restore on his file such claim and shall deal with it in the manner specified in section 23.".

14. **Amendment of Section 23**—In Section 23 of the Coal Mines Act,—

(a) after sub-section (6) the following sub-section shall be inserted, namely:—

"(*6A*) The Commissioner may, on receipt of a claim,—

(*a*) elect to settle the claim himself; or

(*b*) transfer the claim for settlement to a person authorised in this behalf under sub-section (2) of section 17; or

(*c*) withdraw the claim from the person referred to in clause (b) and either settle the claim himself or transfer it for disposal to any other person who has been authorised in this behalf under sub-section (2) of section 17.";

(*b*) in sub-section (7),—

(*i*) for the words "A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision", the words "A claimant or owner who is dissatisfied with the decision of the Commissioner may prefer an appeal within a period of sixty days from the date of the decision," shall be substituted;

(*ii*) after the proviso; the following further proviso shall be inserted, namely:—

"Provided further that any appeal which has not been preferred before the date on which the Coal Mines Nationalisation Laws (Amendment) Act, 1978, receives the assent of the President, shall be preferred within a period of sixty days from such date."

15. **Insertion of new section 23A**—After section 23 of the Coal Mines Act, the following section shall be inserted, namely:—

Application of sections 5 and 12 of the limitation Act.—"23A. The provisions of sections 5 and 12 of the Limitation Act, 1963, (36 of 1963) shall, so far as may be, apply to appeals under section 23".

16. **Insertion of new section 24A** – After section 24 of the Coal Mines Act, the following section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely:—

Interest on admitted claims.—"24A. Notwithstanding any award, decree or order of any court, tribunal or other authority, passed before the appointed day, in relation to any coal mine, where any amount is payable in respect of a claim admitted under this Act, the interest payable on such amount for any period after the appointed day shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner under section 18."

17. **Insertion of new section 25A.**—After section 25 of the Coal Mines Act, the following section shall be inserted, namely:—

Notice to owners of coal mines and managing contractors, etc. "25A. (1) After meeting the liabilities of persons whose claims have been admitted under this Act, the Commissioner shall notify, in such manner as he may think fit, the amount of money available with him and specify in such notification a date within which the owners of the coal mines, the managing contractors and the owners of any machinery equipment or other property which has vested in the Central Government or a Government company under this Act and which does not belong to the owners of the coal mines may apply to him for payment.

(2) Where any application is made under sub-section (1), the Commissioner shall, after satisfying himself as to the right of the applicant to receive the whole or any part of the amount, pay the amount to the person concerned and in the event of their being a doubt or dispute as to the right of the person to receive the whole or any part of the amount, the Commissioner shall deal with the application in the manner specified in sub-section (2) of section 26."

18. **Amendment of section 27.**—In section 27 of the Coal Mines Act, for the words "three years from the last day on which the disbursement was made", the words "three years from the day on which the last order for disbursement was made" shall be substituted.

19. **Amendment of section 30.**—In section 30 of the Coal Mines Act, in sub-section (2), for the words "with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees", the words "with imprisonment for a term which may extend to three years and also with fine which may extend to twenty thousand rupees" shall be substituted.

20. **Claims made on behalf of workmen by Trade Union, etc., to have effect.**—Every claim made before the date on which this Act receives the assent of the President, on behalf of all or any of the persons employed by the owner of—

(a) a coking coal mine or group of coking coal mines or a coke oven plant; or

(b) a coal mine or group of coal mines,

or on behalf of a group of such persons; by a Trade Union registered under the Trade Unions Act 1926, (16 of 1926) or the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him, against such owner, and every action taken in relation to such claim shall be deemed to have been made or taken in the case of a coking coal mine or a coke oven plant, in accordance with the provisions of the Coking Coal Mines (Nationalisation) Act, 1972 (36 of 1972) and in the case of a coal mine, in accordance with the provisions of the Coal Mines (Nationalisation) Act, 1973 (26 of 1973) as amended by this Act, as if the relevant Act, as amended by this Act, were in force at all material times.

S. HARIHARA IYER,

Secretary to the Government of India

Notification No. LAW 38 LCA 78.

Bangalore, dated 3rd July 1978.

Ordered that the Customs, Central Excises and Salt and Central Boards of Revenue (Amendment) Act, 1978, No. 25 of 1978 published in Part II, Section 1 of the *Gazette of India*, Extraordinary dated 7th June 1978 be republished in the *Karnataka Gazette*, for general information.

By Order and in the name of the Governor of Karnataka.

A. NEELAKANTARYA,
Under Secretary to Government,
18 *Deptt. of Law and Parly. Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 7th June 1978/Jyaistha 17, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 6th June 1978, and is hereby published for general information :

THE CUSTOMS CENTRAL EXCISES AND SALT AND CENTRAL BOARDS OF REVENUE (AMENDMENT) ACT, 1978

No. 25 of 1978

[*6th June 1978.*]

An Act to provide for certain amendments to the Customs Act, 1962, the Central Excises and Salt Act, 1944 and the Central Boards of Revenue Act, 1963.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

CHAPTER-I

PRELIMINARY

1. **Short title and commencement**—(1) This Act may be called the Customs, Central Excises and Salt and Central Boards of Revenue (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint :

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

CHAPTER-II

AMENDMENTS TO THE CUSTOMS ACT, 1962

2. **Amendment of section 2.**—In section 2 of the Customs Act, 1962 (52 of 1962), (hereafter in this Chapter referred to as the Customs Act), in clause (28), for the words "waters extending into the sea to a distance of twelve nautical miles measured from the appropriate base line on the coast of India", the words and figures "waters extending into the sea up to the limit of contiguous zone of India under section 5 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976)" shall be substituted.

3. **Amendment of section 14**—In section 14 of the Customs Act,—

(a) in sub-section (1), in clause (a), for the proviso, the following proviso shall be substituted, namely:—

"Provided that such price shall be calculated with reference to the rate of exchange as in force on the date on which a bill of entry is presented under section 46, or a shipping bill or bill of export, as the case may be, is presented under section 50;":

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) For the purposes of this section—

(a) "rate of exchange" means the rate of exchange—

(i) determined by the Central Government, or

(ii) ascertained in such manner as the Central Government may direct,

for the conversion of Indian currency into foreign currency or foreign currency into Indian currency;

(b) "foreign currency" and "Indian currency" have the meanings respectively assigned to them in the Foreign Exchange Regulation Act, 1973 (46 of 1973).'.

4. **Amendment of section 15**—In section 15 of the Customs Act—

(a) in sub-section (1), the words, "rate of exchange" shall be omitted;

(b) sub-section (3) shall be omitted.

5. **Amendment of section 27.**—In section 27 of the Customs Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Any person claiming refund of any duty paid by him in pursuance of an order of assessment made by an officer of customs lower in rank than an Assistant Collector of Customs may make an application for refund of such duty to the Assistant Collector of Customs—

(a) in the case of any import made by an individual for his personal use or by Government or by any educational research or charitable institution or hospital, before the expiry of one year.

(b) in any other case, before the expiry of six months, from the date of payment of duty.

Provided that the limitation of one year or six months, as the case may be, shall not apply where any duty has been paid under protest.

Explanation—Where any duty is paid provisionally under section 18, the period of one year or six months, as the case may be, shall be computed from the date of adjustment of duty after the final assessment thereof.".

6. **Amendment of section 28**—In section 28 of the Customs Act in sub-section (1),—

(a) for the opening paragraph, the following shall be substituted namely—

"When any duty has not been levied or has been short-levied or erroneously refunded, the proper officer may,—

(a) in the case of any import made by any individual for his personal use or by Government or by any educational, research or charitable institution or hospital, within one year;

(b) in any other case, within six months,
from the relevant date, serve notice on the person chargeable with the duty which has not been levied or which has been so short-levied or to whom the refund has erroneously been made requiring him to show cause why he should not pay the amount specified in the notice:";

(b) in the proviso, for the words, "six months", the words "one year" and "six months", shall, be substituted.

7. **Insertion of new section 28 A.** After section 28 of the Customs Act, the following section shall be inserted, namely:—

Power not to recover duties not levied or short levied as a result of general practice.—"28A. Notwithstanding anything contained in this Act, if the Central Government is satisfied—

(a) that a practice was or is, generally prevalent regarding levy of duty (including non-levy thereof) on any goods imported into, or exported from, India; and

(b) that such goods were, or are, liable—

(*i*) to duty, in cases where according to the said practice the duty was not, or is not being, levied, or lower in rank than an Assistant Collector of Customs may make an application for refund of such duty to the Assistant Collector of Customs—

(a) in the case of any import made by an individual for his personal use or by Government or by any educational research or charitable institution or hospital, before the expiry of one year.

(b) in any other case, before the expiry of six months, from the date of payment of duty.

Provided that the limitation of one year or six months, as the case may be, shall not apply where any duty has been paid under protest.

Explanation.—Where any duty is paid provisionally under section 18, the period of one year or six months, as the case may be, shall be computed from the date of adjustment of duty after the final assessment thereof.”.

6. **Amendment of section 28.**—In section 28 of the Customs Act in sub-section (1),—

(a) for the opening paragraph, the following shall be substituted namely—

“When any duty has not been levied or has been short-levied or erroneously refunded, the proper officer may,—

(a) in the case of any import made by any individual for his personal use or by Government or by any educational, research or charitable institution or hospital, within one year;

(b) in any other case, within six months,

from the relevant date, serve notice on the person chargeable with the duty which has not been levied or which has been so short-levied or to whom the refund has erroneously been made requiring him to show cause why he should not pay the amount specified in the notice: ”;

(b) in the proviso, for the words, “six months”, the words “one year” and “six months”, shall, be substituted.

7. **Insertion of new section 28 A.**—After section 28 of the Customs Act, the following section shall be inserted, namely:—

Power not to recover duties not levied or short levied as a result of general practice.—“28A. Notwithstanding anything contained in this Act, if the Central Government is satisfied—

(a) that a practice was or is, generally prevalent regarding levy of duty (including non-levy thereof) on any goods imported into, or exported from, India; and

(b) that such goods were, or are, liable—

(*i*) to duty, in cases where according to the said practice the duty was not, or is not being, levied, or (*ii*) to a higher amount of duty than what was, or is being, levied, according to the said practice,—

then the Central Government may, by notification in the Official Gazette, direct that the whole of the duty payable on such goods, or, as the case may be, the duty in excess of that payable on such goods, but for the said practice, shall not be required to be paid in respect of the goods on which the duty was not, or is not being, levied, or was or is being, short-levied, in accordance with the said practice."

8. **Amendment of section 46.** In section 46 of the Customs Act in sub-section (3),—

(a) in the proviso, for the words "such manifest or report", the words "such report" shall be substituted;

(b) after the proviso as so amended, the following further proviso shall be inserted, namely:—

"Provided further that a bill of entry may be presented even before the delivery of scuh manifest if the vessel by which the goods have been shipped for importation into India is expected to arrive within a week from the date of such presentation."

9. **Amendment of section 61**—In section 61 of the Customs Act,—

(a) for the opening paragraph, the following shall be substituted namely:—

"Any warehoused goods may be left in the warehouse in which they are deposited or in any warehouse to which they may be removed,

(a) in the case of non-consumable stores, till the expiry of three years; and

(b) in the case of any other goods, till the expiry of one year,

after the date on which the proper officer made an order under section 60 permitting the deposit of the goods in a warehouse:";

(b) in the first proviso for the words "three years", in both places where they occur, the words "three years or one year, as the case may be", shall be substituted.

10 **Amendment of Section 75** In section 75 of the Customs Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where it appears to the Central Government that the quantity of a particular material imported into India is more than the total quantity of like material that has been used in the goods manufactured in India and exported outside India, then the Central Government may, by notification in the Official Gazette, declare that so much of the material as is contained in the goods exported shall for the purpose of sub-section (1), be deemed to be imported material.";

(b) in sub-section (2), in clause (a), for the words "goods of that class or description" the words "export goods of that class or description" shall be substituted.

11. **Amendment of section 113**—In section 113 of the Customs Act, in clause (i), after the words "dutiable or prohibited goods", the words "or goods entered for exportation under claim for drawback" shall be inserted

12. **Amendment of section 122**—In section 122 of the Custom Act, for clauses (b) and (c), the following clauses shall be substituted, namely:—

"(b) where the value of the goods liable to confiscation does not exceed twenty-five thousand rupees, by an Assistant Collector of Customs;

(c) where the value of the goods liable to confiscation does not exceed two thousand five hundred rupees, by a gazetted officer of customs lower in rank than an Assistant Collector of Customs"

13. **Amendment of section 128.**—In section 128 of the Customs Act, in sub-section (1) in the opening paragraph after the words "any decision or order passed under this Act", the brackets, words and figures "(not being an order passed under section 130)" shall be inserted.

14. **Substitution of new section for section 130.**—For section 130 of the Customs Act, the following section shall be substituted, namely:-

"130. (1) **Powers of revision of Board or Collector.**—The Board may, of its own motion or otherwise, call for and examine the record of any proceeding which a Collector of Customs has passed any decision or order under this Act for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as it thinks fit.

(2) The Collector of Customs may of his own motion or otherwise call for and examine the record of any proceeding in which an officer of customs subordinate to him has passed any decision or order under this Act (not being an order passed in appeal under section 128) for the purpose of satisfying himself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as he thinks fit.

(3) (a) No order enhancing any penalty or fine in lieu of confiscation or confiscating goods of greater value shall be passed under this section unless the person affected by the proposed order has been given a reasonable opportunity of showing cause against it.

(b) Where the Board or, as the case may be, the Collector of Customs is of opinion that any duty of customs has not been levied or has been short-levied, no order levying or enhancing the duty shall be made under this section unless the person affected by the proposed order is given notice to show cause against it within the time limit specified in section 28.

(4) No proceeding shall be initiated under this section in respect of any decision or order after the expiry of a period of one year from the date of such decision or order:

Provided that where in respect of any decision or order passed by an officer of customs before the commencement of the Customs, Central Excise and Salt and Central Boards of Revenue (Amendment) Act, 1978, the period of one year for initiating revision proceedings had expired at such commencement, then revision proceedings may be initiated within a period of six months from such commencement.".

15 **Amendment of section 131.** In section 131 of the Customs Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) An application under sub-section (1), shall be accompanied by a fee of one hundred and twenty-five rupees."

16. **Amendment of section 135.**—In section 135 of the Customs Act, for the words " six months ", wherever they occur, the words "one year" shall be substituted.

17. **Insertion of new section 143A.**—After section 143 of the Customs Act, the following section shall be inserted, namely :—

"**143A. Duty deferment** (1).—When any material is imported under an import licence belonging to the category of Advance Licence granted under the Imports and Exports (Control) Act, 1947, (18 of 1947) subject to an obligation to export the goods as are specified in the said Licence within the period specified therein, the Assistant Collector of Customs may, notwithstanding anything contained in this Act, permit clearance of such material without payment of duty leviable thereon.

(2) The permission for clearance without payment of duty under sub-section (1) shall be subject to the following conditions, that is to say—

(a) the duty payable on the material imported shall be adjusted against the drawback of duty payable under this Act or under any other law for the time being in force on the export of goods specified in the said Advance Licence; and

(b) where the duty is not so adjusted either for the reason that the goods are not exported within the period specified in the said Advance Licence, or within such extended period not exceeding six months as the Assistant Collector of Customs may, on sufficient cause being shown, allow, or for any other sufficient reason, the importer shall, notwithstanding anything contained in section 28, be liable to pay the amount of duty not so adjusted together with simple interest thereon at the rate of twelve per cent. per annum from the date the said permission for clearance is given to the date of payment.

(3) While permitting clearance under sub-section (1), the Assistant Collector of Customs may require the importer to execute a bond with such surety or security as he thinks fit for complying with the conditions specified in sub-section (2).".

18. **Amendment of section 159**.—In section 159 of the Customs Act, for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

CHAPTER III

AMENDMENT TO THE CENTRAL EXCISES AND SALT ACT, 1944

19. **Amendment of section 3**.—In section 3 of the Central Excises and Salt Act, 1944 (1 of 1944.) (hereafter in this Chapter referred to as the Central Excises and Salt Act), for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Different tariff values may be fixed—

(a) for different classes or descriptions of the same excisable goods ; or

(b) for excisable goods of the same class or description—

(i) produced or manufactured by different classes of producers or manufacturers ; or

(ii) sold to different classes of buyers :

Provided that in fixing different tariff values in respect of excisable goods falling under sub-clause (i), or sub clause (ii) regard shall be had to the sale prices charged by the different classes of producers or manufacturers or, the case may be, the normal practice of the wholesale trade in such goods.".

20. **Insertion of new section 5** :After section 4 of the Central Excises and Salt Act, the following section shall be inserted, namely :

"5 **Remission of duty on goods found deficient in quantity** : (1) The Central Government may, by rules made under this section, provide for remission of duty of excise leviable on any excisable goods which due to any natural cause are found to be deficient in quantity.

(2) Any rules made under sub-section (1) may, having regard to the nature of the excisable goods or of processing or of curing

thereof, the period of their storage or transit and other relevant consideration, fix the limit or limits of percentage beyond which no such remission shall be allowed :

Provided that different limit or limits of percentage may be fixed for different varieties of the same excisable goods or for different areas or for different seasons."

21. Insertion of new section 11A, 11B and 11C. After section 11 of the Central Excises and Salt Act, the following sections shall be inserted, namely :

"**11A. Recovery of duties not levied or not paid or short levied or shortpaid or erroneously refunded** (1) When any duty of excise has not been levied or paid or has been short-levied or short-paid or erroneously refunded, a Central Excise Officer may, within six months from the relevant date, serve notice on the person chargeable with the duty which has not been levied or paid or which has been short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice :

Provided that where any duty of excise has not been levied or paid or has been short-levied or short-paid or erroneously refunded by reason of fraud, collusion or any wilful mis-statement or suppression of facts, or contravention of any of the provision of this Act or of the rules made thereunder with intent to evade payment of duty, by such person or his agent, the provisions of this sub-section shall have effect, as if for the words "six months" the words "five years" were substituted.

Explanation —Where the service of the notice is stayed by an order of a court, the period of such stay shall be excluded in computing the aforesaid period of six months or five years, as the case may be

(2) The Assistant Collector of Central Excise shall, after considering the representation, if any, made by the person on whom notice is served under sub-section (1), determine the amount of duty of excise due from such person (not being in excess of the amount specified in the notice) and thereupon such person shall pay the amount so determined.

(3) For the purposes of this section

(i) "refund" includes rebate of duty of excise on excisable goods exported out of India or on excisable materials used in the manufacture of goods which are exported out of India.

(ii) "relevant date" means,

(a) in the case of excisable goods of which duty of excise has not been levied or paid or has been short levied or short-paid,

(A) where under the rules made under this Act a monthly return, showing particulars of the duty paid on the excisable goods removed during the month to which the said return relates, is to be filed by a manufacturer or producer or a licensee of a warehouse as the case may be, the date on which such return is so filed.

(B) where no monthly return as aforesaid is filed, the last date on which such return is to be filed under the said rules ;

(C) in any other case, the date on which the duty is to be paid under this Act or the rules made thereunder ;

(b) in a case where duty of excise is provisionally assessed under this Act or the rules made thereunder the date of adjustment of duty after the final assessment thereof ;

(c) in the case of excisable goods on which duty of excise has been erroneously refunded, the date of such refund.

11B. **Claim for refund of duty**:—(1) Any person claiming refund of any duty of excise may make an application for refund of such duty to the Assistant Collector of Central Excise before the expiry of six months from the date of payment of duty :

Provided that the limitation of six months shall not apply where any duty has been paid under protest.

Explanation:— Where any duty of excise is paid provisionally under this Act or the rules made thereunder, the period of six months shall be computed from the date of adjustment of duty after the final assessment thereof.

(2) If on receipt of any such application, the Assistant Collector of Central Excise is satisfied that the whole or any part of the duty of excise paid by the applicant shoulb be refunded to him, he may make on order accordingly.

(3) Whereas a result of any order passed in appeal or revision under this Act refund of any duty of excise becomes due to any person the Assistant Collector of Central Excise may refund the amount to such person without his having to make any claim in that behalf.

(4) Save as otherwise provided by or under this Act, no claim for refund of any duty of excise shall be entertained.

(5) Notwithstanding anything contained in any other law, the provisions of this Section shall also apply to a claim] for refund of any amount collected as duty of excise made on the ground that the goods in respect of which such amount was collected were not excisable or were entitled to exemption from duty and no court shall have any jurisdiction in respect of such claim.

Explanation.—For the purposes of this section, "refund" includes rebate of duty of excise on excisable goods exported out of Indi

(A) where under the rules made under this Act a monthly return, showing particulars of the duty paid on the excisable goods removed during the month to which the said return relates, is to be filed by a manufacturer or producer or a licensee of a warehouse as the case may be, the date on which such return is so filed.

(B) where no monthly return as aforesaid is filed, the last date on which such return is to be filed under the said rules ;

(C) in any other case, the date on which the duty is to be paid under this Act or the rules made thereunder ;

(b) In a case where duty of excise is provisionally assessed under this Act or the rules made thereunder the date of adjustment of duty after the final assessment thereof ;

(c) in the case of excisable goods on which duty of excise has been erroneously refunded, the date of such refund.

11B. **Claim for refund of duty**:—(1) Any person claiming refund of any duty of excise may make an application for refund of such duty to the Assistant Collector of Central Excise before the expiry of six months from the date of payment of duty :

Provided that the limitation of six months shall not apply where any duty has been paid under protest.

Explanation :— Where any duty of excise is paid provisionally under this Act or the rules made thereunder, the period of six months shall be computed from the date of adjustment of duty after the final assessment thereof.

(2) If on receipt of any such application, the Assistant Collector of Central Excise is satisfied that the whole or any part of the duty of excise paid by the applicant shoulb be refunded to him, he may make on order accordingly.

(3) Whereas a result of any order passed in appeal or revision under this Act refund of any duty of excise becomes due to any person the Assistant Collector of Central Excise may refund the amount to such person without his having to make any claim in that behalf.

(4) Save as otherwise provided by or under this Act, no claim for refund of any duty of excise shall be entertained.

(5) Notwithstanding anything contained in any other law, the provisions of this Section shall also apply to a claim] for refund of any amount collected as duty of excise made on the ground that the goods in respect of which such amount was collected were not excisable or were entitled to exemption from duty and no court shall have any jurisdiction in respect of such claim.

Explanation.—For the purposes of this section, "refund" includes rebate of duty of excise on excisable goods exported out of Indi or on excisable materials used in the manufacture of goods which are exported out of India.

11C. Power not to recover duty of excise not levied or short-levied as a result of general practice.—Notwithstanding anything contained in this Act, if the Central Government is satisfied—

(a) that a practice was, or is, generally prevalent regarding levy of duty of excise (including non-levy thereof) on any excisable goods; and

(b) that such goods were, or are, liable—

(i) to duty of excise, in cases where according to the said practice the duty was not, or is not being, levied, or

(ii) to a higher amount of duty of excise than what was, or is being, levied, according to the said practice,

then, the Central Government may, by notification in the Official Gazette, direct that the whole of the duty of excise payable on such goods, or, as the case may be, the duty of excise in excess of that payable on such goods, but for the said practice, shall not be required to be paid in respect of the goods on which the duty of excise was not, or is not being, levied, or was, or is being, short-levied, in accordance with the said practice.'.

22. Amendment of section 35.—In section 35 of the Central Excises and Salt Act, in sub-section (1), after the words "the rules made thereunder", the brackets, words, figures and letter "(not being an order passed under section 35A)" shall inserted.

23. Substitution of new section for section 35A.—For section 35A of the Central Excises and Salt Act, the following section shall be substituted, namely:—

"**35A. Revision by Board or Collector.**—(1) The Central Board or Excise and Customs constituted under the Central Boards of Revenue Act, 1963, (54 of 1963) (hereinafter referred to as the Board), may, of its own motion or otherwise, call for and examine the record of any proceeding in which any decision or order has been passed under this Act or the rules made thereunder by a Collector of Central Excise (not being a decision or order passed on appeal under section 35) for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as it thinks fit.

(2) The Collector of Central Excise may, of his own motion or otherwise, call for and examine the record of any proceeding in which any decision or order has been passed under this Act or the rules made thereunder by a Central Excise Officer subordinate to him (not being a decision or order passed on appeal under section 35) for the purpose of satisfying himself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as he thinks fit.

(3) (*a*) No decision or order under this section shall be varied so as to prejudicially affect any person unless such person is given a reasonable apportunity of making a representation and, if he so desires of being heard in his defence.

(*b*) Where the Board or, as the case may be, the Collector of Central Excise is of opinion that any duty of excise has not been levied or has been short-levied or erroneously refunded, no order levying or enhancing the duty, or no order requiring payment of the duty so refunded, shall be made under this section unless the person affected by the proposed order is given notice, to show cause against it within the time limit specified in section 11A.

(4) No proceedings shall be commenced under this section in respect of any decision or order [whether such decision or order has been passed before or after the commencement of the Customs, Central Excise and Salt and Central Boards of Revenue (Amendment) Act, 1978] after the expiration of a period of one year from the date of such decision or order.".

24. **Amendment of Section 36**.—In section 36 of the Central Excises and Salt Act,—

(*a*) after sub-section (1), the following sub-section shall be inserted, namely :-

"(1A) Every application under sub-section (1) shall be accompanied by a fee of rupees one hundred and twenty-five.";

(*b*) in sub-section (2), after the second proviso, the following further proviso shall be inserted, namely :—

"Provided also that where the Central Government is of opinion that any duty of excise has not been levied or has been short-levied or erroneously refunded, no order levying or enhancing the duty, or no order requiring payment of the duty so refunded, shall be made under this section unless the person affected by the proposed order is given notice to show cause against it within the time limit specified in section 11A.".

25. **Amendment of section 37**.—In section 37 of the Central Excises and Salt Act, in sub-section (2), after clause (*ib*), the following clause shall be inserted, namely :—

"(*ic*) provide for the remission of duty of excis leviable on any excisable goods, which due to any natural cause are found to be deficient in quantity, the limit or limits of percentage beyond which no such remission shall be allowed and the different limit or limits of percentage for different varieties of the same excisable goods or for different areas or for different seasons,".

26 **Insertion of new section 37A**.—After section 37 of the Central Excises and Salt Act the following section shall be inserted, namely :—

Delegation of powers.—"37A The Central Government may, by notification in the Official Gazette, direct that subject to such conditions, if any, as may be specified in the notification—

(*a*) any power exercisable by the Board under this Act may be exercisable also by a Collector of Central Exercise empowered in this behalf by the Central Government ;

(*b*) any power exercisable by a Collector of Central Excise under this Act may be exercisable also by a Deputy Collector of Central Excise or an Assistant Collector of Central Excise empowered in this behalf by the Central Government ;

(*c*) any power exercisable by a Deputy Collector of Central Excise under this Act may be exercisable also by an Assistant Collector of Central Excise empowered in this behalf by the Central Government ; and

(*d*) any power exercisable by an Assistant Collector of Central Excise under this Act may be exercisable also by a gazetted officer of Central Excise empowered in this behalf by the Board.".

CHAPTER-IV

AMENDMENT TO THE CENTRAL BOARDS OF REVENUE ACT, 1963

27. **Amendment of Act 54 of 1963**.—In section 3 of the Central Boards of Revenue Act, 1963, in sub-section (2), for the words "not exceeding five", the words "not exceeding seven" shall be substituted.

S. HARIHARA IYER,
Secretary to the Government, of India.

Printed by the Director of Printing Sty. & Publns. at the Govt. Press B'lore

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 37 LCA 78.

Bangalore, dated 29th June 1978.

Ordered that the Reserve Bank of India (Amendment) Act, 1978 (Act No. 24 of 1978) published in Part II, Section 1 of the Gazette of India, Extraordinary dated 3rd June, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

17

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 3rd June, 1978/Jyaistha 13, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 3rd June 1978, and is hereby published for general information:—

THE RESERVE BANK OF INDIA (AMENDMENT) ACT, 1978

No. 24 OF 1978

[3rd June 1978]

An Act further to amend the Reserve Bank of India Act, 1934.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Reserve Bank of India (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and defferent dates may be appointed for different provisions of this Act.

2. **Change of nomenclature of Agricultural Refinance Corporation**—In the Reserve Bank of India Act, 1934 (2 of 1934) (hereinafter referred to as the principal Act), for the words "Agricultural Refinance Corporation", wherever they occur, the words "Agricultural Refinance and Development Corporation" shall be substituted.

3. **Amendment of section 2.**—In section 2 of the principal Act,—

(*i*) for clause (c), the following clauses shall be substituted, namely:—

'(*bix*) "foreign currency" and "foreign exchange" have the meanings respectively assigned to them in the Foreign Exchange Regulation Act, 1973; (46 of 1973.)

(c) "Industrial Finance Corporation" means the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948; (15 of 1948);';

(*ii*) after clause (*f*), the following clause shall be inserted, namely:—

'(*fi*) "State Financial Corporation" means any State Financial Corporation established under the State Financial Corporations Act, 1951; (63 of 1951);';

4. **Amendment of Section 17.**—In section 17 of the principa Act,—

(*i*) in clause (3), in sub-clause (a), the words "in amounts of notless than the equivalent of one lakh of rupees" shall be omitted;

(*ii*) in clauses (4) and (4A), the words and figures "established under the State Financial Corporations Act, 1951" shall be omitted;

(*iii*) in clause (4B), the words and figures "established under the Industrial Finance Corporation Act, 1948" shall be omitted;

(*iv*) after clause (4H), the following clause shall be inserted, namely.—

"(4-I) the making to scheduled banks, the Development Bank the Industrial Finance Corporcion and any other financial institution as may, on the recommendation of the Bank, be approved in this behalf by the Central Government of loans and advances repayable on demand or otherwise and against such security and on such other terms and conditions as may be approved in this behalf by the Central Board for the purpose of enabling such banks, or financial institution, as the case may be to purchase foreign exchange from the Bank for the purpose of financing the import of capital goods or for such other purposes as may be approved by the Central Govenment;";

(v) in clause (11), the words and figures "established under the Industrial Finance Corporation Act, 1948" shall be omitted ;

(vi) for clause (12), the following clause shall be substituted, namely :—

"(12) the purchase and sale of gold or silver coins and gold and silver bullion and foreign exchange and the opening of a gold account with the principal currency authority of any foreign country or the Bank for International Settlements or any international or regional bank or financial institution formed by such principal currency authority or authorities or by the Government of any foreign country;";

(vii) for clause (12A), the following clause shall be substituted, namely;—

"(12A) the purchase and sale of securities issued by the Government of any country outside India or by any institution or body corporate established outside India and expressed to be payable in a foreign currency or any international or composite currency unit, being in the case of purchase by the Bank securities maturing within a period of ten years from the date of purchase :

Provided that in the case of securities of an institution or body corporate, the repayment of principal and payment of interest in respect of such securities shall be guaranteed by the Government of the country concerned ;";

(*viii*) after clause (12A) as so amended, the following clause shall be inserted, namely:—

"(12B) the making of loans and advances in foreign currencies to scheduled banks, the Development Bank, the Industrial Finance Corporation, any State Financial Corporation and any other financial institution as may, on the recommendation of the Bank, be approved by the Central Government and on such terms and conditions as may be specified by the Central Board in this behalf, against promissory notes of such bank or financial institution, as the case may be :

Provided that the borrowing bank or financial institution, as the case may be furnishes a declaration in writing to the effect that—

(*a*) it has made loans and advances in foreign currencies for financing international trade or for the import of capital goods or for such other purposes as may be approved by the Central Government; and

(*b*) that the amount of loans or advances so made and outstanding at any time will not be less than the outstanding amount of the loans or advances obtained by it from the Bank;";

(*ix*) for clause (13), the following clause shall be substituted, namely:—

"(13) the opening of an account with an office outside India of any bank, including a bank incorporated in India or the making of an agency agreement with, and the acting as an agent or correspondent of, any bank incorporated outside India, or the principal currency authority of any country under the law for the time being in force in that country or any international or regional bank or financial institution formed by such principal currency authorities or foreign Governments, and the investing of the funds of the Bank in he shares and securities of any such international or regional bank or financial institution or of any other foreign institution as may be approved by the Central Board in this behalf; ".

5. **Amendment of Section 18**: In section 18 of the principal Act, clause (2) shall be omitted.

6. **Amendment of Section 33**.—In Section 33 of the principal Act, in sub-section (6) in clause (i),—

(1) in sub-clause (a),—

(*a*) after the words "International Finance Corporation", the words " or Asian Development Bank" shall be inserted ;

(*b*) for the words "any commercial bank notified by the Central Government", the words "any banking or financial institution notified by the Central Government" shall be substituted ; and

(*c*) for the words "period of five years", the words "period of ten years" shall be substituted ;

(2) in sub-clause (*c*), for the words "within five years", the words "within ten years" shall be substituted.

7. **Amendment of Section 46C**.—In Section 46C of the principal Act, in sub-section (2), in clause (*a*), the words and figures "established under the Industrial Finance Corporation Act, 1948" and "established under the State Financial Corporations Act, 1951" shall be omitted.

8. **Amendment of Section 48**.—In Section 48 of the principal Act, in sub-section (1), for the words and figures "Indian Income-tax Act, 1922", the words and figures "the Income-tax Act, 1961" shall be substituted.

9. **Amendment of Section 53**.—In section 53 of the principal Act, in sub-section (1), for the words "published weekly in the Gazette of India", the words "published in the Gazette of India at such intervals and in such modified form as it may deem fit" shall be substituted.

R.V.S. PERI SASTRI,

Jt. Secy to the Govt. of India.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS
SECRETARIAT

NOTIFICATION

No. LAW 41 LCA 78, dated 25th July, 1978

Ordered that the Delhi Police Ordinance, 1978 (No. 2 of 1978) published in Part II Section 1 of the Gazettee of India Extraordinary dated 1st July, 1978 be republished in the Karnataka Gazettee for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parliamentary Affairs.

THE DELHI POLICE ORDINANCE, 1978

NO. 2 OF 1978

Promulgated by the President in the Twenty-ninth Year of the Republic of India

An Ordinance to amend and consolidate the law relating to the regulation of the police in the Union territory of Delhi.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Ordinance may be called in Delhi Police Ordinance, 1978.

(2) It extends to the whole of the Union territory of Delhi.

(3) It shall come into force at once.

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

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By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parliamentary Affairs.

THE DELHI POLICE ORDINANCE, 1978

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NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Ordinance may be called in Delhi Police Ordinance, 1978.

(2) It extends to the whole of the Union territory of Delhi.

(3) It shall come into force at once.

2. **Definitions.**—In this Ordinance, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of Delhi appointed under article 239 of the Constitution;

(b) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(c) "competent authority", when used with reference to the exercise of any power or discharge of any duty under the provisions of this Ordinance, means the Commissioner of Police appointed under section 6 or any other police officer specially empowered in that behalf by the Central Government;

(d) "constable" means a police officer of the lowest grade;

(e) "Corporation" means the Municipal Corporation of Delhi constituted under the Delhi Municipal Corporation Act, 1957 **(66 of 1957)**;

(f) "Delhi" means the Union territory of Delhi;

(g) "Delhi police" or "police force" means the police force referred to in section 3 and includes,—

(i) all persons appointed as a special police officers under sub-section (1) of section 17 and additional police officers appointed under section 18; and

(ii) all other persons, by whatever name known, who exercise any police function in any part of Delhi;

(h) "eating house" means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having any interest in, or managing, such place and includes,—

(i) a refreshment room, boarding house or coffee house, or

(ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop, but does not include a place of public entertainment;

(i) "municipality" means the New Delhi Municipal Committee, the Cantonment Board or any other municipal body, other than the Corporation, established by or under any law for the time being in force in or in any part of Delhi;

(j) "place" includes,—

(i) any building, tent, booth or other erection, whether permanent or temporary; and

(ii) any area, whether enclosed or open;

(k) "place of public amusement" means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to

2. **Definitions.**—In this Ordinance, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of Delhi appointed under article 239 of the Constitution;

(b) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(c) "competent authority", when used with reference to the exercise of any power or discharge of any duty under the provisions of this Ordinance, means the Commissioner of Police appointed under section 6 or any other police officer specially empowered in that behalf by the Central Government;

(d) "constable" means a police officer of the lowest grade;

(e) "Corporation" means the Municipal Corporation of Delhi constituted under the Delhi Municipal Corporation Act, 1957 **(66 of 1957)**;

(f) "Delhi" means the Union territory of Delhi;

(g) "Delhi police" or "police force" means the police force referred to in section 3 and includes,—

(i) all persons appointed as a special police officers under sub-section (1) of section 17 and additional police officers appointed under section 18; and

(ii) all other persons, by whatever name known, who exercise any police function in any part of Delhi;

(h) "eating house" means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning, or having any interest in, or managing, such place and includes,—

(i) a refreshment room, boarding house or coffee house, or

(ii) a shop where any kind of food or drink is supplied to the public for consumption in or near such shop, but does not include a place of public entertainment;

(i) "municipality" means the New Delhi Municipal Committee, the Cantonment Board or any other municipal body, other than the Corporation, established by or under any law for the time being in force in or in any part of Delhi;

(j) "place" includes,—

(i) any building, tent, booth or other erection, whether permanent or temporary; and

(ii) any area, whether enclosed or open;

(k) "place of public amusement" means any place where music, singing, dancing or game or any other amusement, diversion, or recreation or the means of carrying on the same is provided, to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard and bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(l) "place of public entertainment" means a lodging house, boarding and lodging house or residential hostel and includes any eating house or other place in which any kind of liquor or intoxicating drug is supplied (such as a tavern or a shop where beer spirit, arrack, toddy, ganja, bhang or opium is supplied) to the public for consumption in or near such place;

(m) "police officer" means any member of the Delhi police;

(n) "prescribed" means prescribed by rules;

(o) "public place" means any place to which the public have access, whether as of right or not, and includes,—

(i) a public building and monument and precincts thereof; and

(ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;

(p) "regulations" means regulations made under this Ordinance;

(q) "rules" means rules made under this Ordinance;

(r) "street" includes any highway, bridge, way over a causeway, viaduct or arch or any road, lane, footway, square, court, alley or passage accessible to the public, whether or not it is a thoroughfare;

(s) "subordinate ranks" means members of the police force of and below the rank of the Inspector;

(t) "vehicle" means any carriage, cart, van, dray, truck, handcart or other conveyance of any description and includes a bicycle. tricycle, a rickshaw, a motor vehicle, a vessel or an aeroplane.

CHAPTER II

ORGANISATION, SUPERINTENDANCE AND CONTROL OF THE POLICE FORCE

3. **One police force for the whole of Delhi.**—There shall be one police force for the whole of Delhi and all officers and subordinate ranks of the police force shall be liable for posting to any branch of the force including the Delhi Armed Police.

4. **Superintendence of police force to vest in the Administrator**—The superintendence of the Delhi police throughout Delhi shall vest in, and be exercisable by the Administrator and any control, direction or supervision exercisable by any officer over any

member of the police force shall be exercisable subject to such superintendence.

5. **Constitution of police force.**—Subject to the provisionsof this Ordinance,—

(a) the Delhi police shall consist of such number in the several ranks and have such organisation and such powers, functions and duties as the Administrator may, by general or special order, determine; and

(b) the recruitment to, and the pay, allowances and all other conditions of service of the members of, the Delhi police shall be such as may be prescribed:

Provided that nothing in clause (b) shall apply to the recruitment to, and the pay, allowances and other conditions of service of the members of the Indian Police Service or the Delhi, Andaman and Nicobar Islands Police Service.

6. **Commissioner of Police.**—For the direction and supervision of the police force in Delhi, the Administrator shall appoint a Commissioner of Police who shall exercise and perform such powers and duties and perform such functions as are specified by or under this Ordinance.

7. **Additional Commissioner of Police.**—(1) The Administrator may appoint one or more Additional Commissioners of Police for the purposes of this Ordinance.

(2) The Additional Commissioner of Police shall,—

(a) assist the Commissioner of Police in the exercise of his powers and the performance of his duties in such manner and to such extent, and

(b) exercise such powers and perform such duties of the Commissioner of Police and within such local limits, as the Administrator may, by general or special order, specify.

8. **Deputy Additional Deputy and Assistant Commissioners of Police.**—(1) The Administrator may appoint one or more Deputy Commissioners of Police or Additional Deputy Commissioner of Police or Assistant Commissioners of Police for the purposes of this Ordinance.

(2) Without prejudice to the other provisions of this Ordinance and subject to any general or special order made by the Administrator in this behalf, every Deputy Commissioner of Police or Additional Deputy Commissioner of Police, Assistant Commissioner of Police shall, under the orders of the Commissioner of Police, exercise such of the powers (except the power to make regulations) and perform such of the duties of the Commissioner of Police and within such local limits as may be specified in such orders.

9. **Appointment of Principals of Police Training Institutions.**—(1) (a) The Administrator shall appoint a police officer not below the rank of a Deputy Commissioner of Police to be the Principal of the Police Training School for Delhi.

(b) The Commissioner of Police may by general or special order assign to the Principal of the Police Training School such powers and duties as he may deem fit for the proper functioning of that school.

(2) (a) The Administrator may establish a Police Training College for Delhi and appoint a police officer of appropriate rank to be the Principal of such College.

(b) The Commissioner of Police may by general or special order assign to the Principal of the Police Training College such powers and duties as he may deem fit for the proper administration of that College

10. .**Constitution of police districts, sub-divisions and police stations.**—Subject to the control of the Administrator, the Commissioner of Police shall—

(a) constitute police districts within Delhi;

(b) divide such police districts into police sub-divisions and specify the police stations comprised in each such sub-division; and

(c) define the limits and extent of such police districts, police sub-divisions and police stations.

11. **Officers in charge of police sub-divisions and police station.**—(1) Each police district shall be under the charge of a Deputy Commissioner of Police who may be assisted in the discharge of his duties by one or more Additional Deputy Commissioners of Police.

(2) Each police sub-division shall be under the charge of an Assistant Commissioner of Police and each police station shall be under the charge of an Inspector of Police.

12. **Appointment of subordinate ranks.**—Subject to such general or special orders in writing as the Administrator may make in this behalf,—

(a) Inspectors of Police may be appointed by the Additional Commissioner of Police; and

(b) Sub-Inspectors of Police and other officers of subordinate rank may be appointed by the Deputy Commissioners of Police, Additional Deputy Commissioners of Police, Principal of the Police Training College or of the Police Training School, or any other police officer of equivalent rank.

13. **Certificate of appointment.**—(1) Every police officer of the rank of Inspector and below shall on enrolment receive a certificate of appointment,

(2) A certificate shall be issued under the seal of such officer, and shall be in such form, as the Administrator may, by general or special order, specify.

(3) A certificate of appointment shall become null and void when the person named therein ceases to belong to the Delhi police or shall remain inoperative during the period such person is suspended from the Delhi police.

14. **Effect of suspension of police officer.**—The powers, functions and privileges vested in a police officer shall remain suspended while such police officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a police officer and shall continue to be subject to the control of the same authorities to which he would have been subject if he had not been under suspension.

15. **General powers of Commissioner of Police.**—The Commissioner of Police shall direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the police force under him.

16. **Power of Commissioner of Police to investigate and regulate matters of police accounts.**—The Commissioner of Police shall have the authority to investigate end regulate all matters of account connected with the Delhi police and all persons concerned shall be bound to give him reasonable aid and facilities in conductiong such investigations and to conform to his orders consequent thereto.

17. **Special police officers**—(1) The Commissioner of Police may, at any time, by a written order, signed by himself and sealed with his own seal, appointany able bodied male person not less than eighteen years of age, whom he considers fit, to be a special police officer to assist the Delhi police on any occassion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the place in any area and he is of opinion that the ordinary police force is not sufficient for the protection of persons residing, and for the security of property within such area.

(2) The Commissioner of Police shall publish the names of special police officers appointed under this section in such manner as may be prescribed.

(3) Any person objecting to the appointment of any person as such special police officer may send his reasons for such objection to the Commissioner of Police within fifteen days of such appointmnent and the Commissioner may accept such objection and cancel the appointment of such officer or, after giving to the objector an opportunity to be heard, reject the objection.

(4) Every special police officer appointed under this section shall, on appointment,—

(a) receive a certificate of appointment in such form as may by specified bp the Administrator in this behalf.

(b) have the same powers, privileges and immunities and perform the same duties and the subject to the same authorities as an ordinary police officer.

18. **Additional police officers.**—Where additional police officers are required to be deputed under section 38, section 39 or section 40 the Commissioner of Police may appoint such number of additional police officers as he considers necessary and every such additional polic officer shall, on appointment,—

(a) receive a certificate of appointment in such form as may be specified by the Administrator in this behalf

(b) have such of the powers privileges and immunities and preform such of the duties of a police officer as are specifically mentioned in the certificate; and

(c) be subject to the same authorities as an ordinary police officer of the same or similar rank or grade.

CHAPTER III

REGULATION, CONTROL AND DISCIPLINE OF THE DELHI POLICE

19. **Framing of regulations for administration of the Police.**—Subject to the orders of the Administrator, the Commissioner of Police may make regulations or orders not inconsistent with this Ordinance or any other law for the time being in force,—

(a) regulating the inspection of the police force by his subordinates;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

(c) prescribing the places of residence of members of the police force;

(d) for institution, management and regulation of any police fund for any purpose connected with police administration;

(e) regulating the distribution, movements and location of the police;

(f) assigning duties to police officers of all ranks and grades and prescribing the manner in which, and the conditions subject to which they shall exercise and perform their respective powers and duties,

(g) regulating the collection and communication by the police of intelligence and information;

(h) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

20. **Commissioner of Police may call for returns:**—The Commissioner of Police may call for such returns, reports and statements on any subject connected with the prevention and detection of crime, the maintenance of order and the performance of the duties of his subordinates as such subordinates may be able to furnish to him.

21. **Powers of punishment:**— (1) Subject to the provisions of article 311 of the Constitution and the rules, the Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police, Additional Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School or any other officer of equivalent rank, may award to any police officer of subordinate rank any of the following punishments, namely:—

(a) dismissal;
(b) removal from service;
(c) reduction in rank;
(d) forfeiture of approved service;
(e) reduction in pay;
(f) withholding of increment; and
(g) fine not exceeding one month's pay.

(2) Subject to the rules,—

(a) any police officer specified in sub-section (1) may award the punishment of censure to any police officer of subordinate rank;

(b) the Assistant Commissioner of Police may award the punishment of censure to police officers of, or below, the rank of Sub-Inspectors of Police;

(c) any police officer of, and above, the rank of Inspector may award punishment drill not exceeding fifteen days of fatigue duty or any other punitive duty to constables.

(3) Nothing in sub-section (1) or sub-section (2) shall affect any police officer's liability for prosecution and punishment for any offence committed by him.

(4) The Commissioner of Police, Additional Commissioner of Police, Deputy Commissioner of Police, Additional Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School, Assistant Commissioner of Police, or any other police officer of equivalent rank may suspend any police officer of

subordinate rank who is reasonably suspected to be guilty of misconduct, pending an investigation or enquiry into such misconduct.

(5) An Inspector of Police may suspend any police officer below the rank of Sub-Inspector of Police, who is reasonably suspected to be guilty of misconduct, pending an investigation or enquiry into such misconduct.

22. **Procedure for awarding punishments:**- When any officer passes an order of awarding a punishment of dismissal, removal from service, reduction in rank, forfeiture of service, reduction in pay, withholding of increments or fine, he shall record such order or cause the same to be recorded together with the reasons therefor, in accordance with the rules:

Provided that no order for reducing, removing from service or dismissing a police officer shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him, except in cases referred to in clause (a) of the proviso to clause (2) of article 311 of the Constitution.

23. **Appeal from orders of punishment:**—An appeal against any order of punishment passed against a police officer, under section 21 or the rules thereunder, by the Additional Commissioner of Police shall lie to the Commissioner of Police and an appeal against an order passed by any Deputy Commissioner of Police, Principal of the Police Training College or School, or any other officer of equivalent rank shall lie to the Additional Commissioner.

24. **Police officers to be deemed to be always on duty and to be liable to employment in any part of Delhi**.—Every police officer not on leave or under suspension shall for all purposes of this Ordinance be deemed to be always on duty and any police officer or any number or body of police officers allocated for duty in any part of Delhi may, if the Commissioner of Police so directs, at any time, be employed on police duty in any other part of Delhi for so long as the services of the police officer or number or body of police officers may be required in such other part of Delhi.

25. **Circumstances under which pojice officer of subordinate rank may resign.**—(1) Resignation of any police officer of subordinate rank may be accepted only by the officer empowered to appoint (the officer so empowered to appoint being hereafter in this section referred to as the appointing authority) officers so such subordinate rank.

(2) A police officer of subordinate rank who intends to resign from police service shall give to the appointing authority notice in writing to that effect and shall not be permitted to withdraw himself from duty unless he has been granted permission to resign by such authority and two months have elapsed from the date on which he tendered his resignation:

Provided that the appointing authority may at his discretion, permit a Head Constable or a constable to withdraw himself from duty on his crediting to the Government two months' pay in lieu of notice.

(3) A Head Constable or a constable who has agreed to serve for any specific period may not be permitted to resign before the expiry of that period.

(4) Inspectors, Sub-Inspectors or Assistant Sub-Inspectors of Police, whose appointments involve training at any Police Training College or Police training School may not be permitted to resign within three years from the date of their successfully completing the training.

(5) No police officer of subordinate rank whose resignation has been accepted by the appointing authority shall be permitted to withdraw from duty until he has fully discharged all debts, due from him as such police officer to Government or to any police fund and has surrendered his certificate of appointment, arms accoutrements, uniform and all other Government property in his possession and has also rendered a complete account of all Government money and property for which he is responsible.

(6) Notwithstanding anything contained in this section if any police officer of subordinate rank tenders his resignation on medical grounds and produces a certificate signed by the police surgeon or any other medical officer authorised by the Administrator in this behalf declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the appointing authority shall forthwith permit to withdraw from duty on his discharging, or giving a satisfactory security for the payment of any debt due from him as such police officer to Government or to any police fund :

Provided that he shall forthwith return the certificate of appointment, arms, accoutrements, uniform and all other Government property in his possession befor he is permitted to withdraw from duty.

(7) If any such police officer of subordinate rank resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the orders of the appointing authority to forfeit all arrears of pay then due to him in addition to the penalty to which he may be liable under sub-section (2) or any other law for the time being in force.

(8) Every such police officer on leaving the service in the Delhi police as aforesaid shall be given by the appointing authority a Discharge Certificate in such form as may be prescribed.

26. **Certificate, arms, etc., to be delivered by person ceasing to be a police officer.**—(1) Every person who for any reason ceases to be police officer shall forthwith deliver to the officer empowered by the Commissioner of Police, the Additional Commissioner of Police,

Deputy Commissioner of Police, Principal of the Police Training College or of the Police Training School, Additional Deputy Commissioner of Police or any other officer of equivalent rank to whom such officer is subordinate, to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other accessories which have been provided to him for the performance of duties and functions connected with his office.

(2) (a) Any Metropolitan Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner of Police, Additional Commissioner of Police, Principal of the Police Training College or of the Police Training School or a Deputy Commissioner, Additional Deputy Commissioner or an Assistant Commissioner of Police may issue a warrant to search for and seize wherever they be found, any certificate, arms, accoutrements, clothing or other accessories not delivered under sub-section (1).

(b) Every warrant so issued shall be executed by a police officer or, if the Metropolitan Magistrate or the police officer issuing the warrant so directs, by any other person in the same manner as if it were a warrant for a search issued under the Code of Criminal Procedure, 1973. **(2 of 1974).**

(3) Nothing in this section shall apply in relation to any article which under the orders of the Commissioner of Police has become the property of the person to whom the same was provided.

27. **Occupation of, and liability to vacate, premises provided for police officers.**—(1) A police officer occupying any premises provided by the Commissioner of Police for his residence shall,—

(a) occupy the same subject to such terms and conditions as may by general or special order, be specified by the Commissioner of Police; and

(b) notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a police officer or whenever the Commissioner of Police or any officer authorised by the Administrator in this behalf considers it, for reasons to be recorded in writing, necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, the Administrator or the officer authorised in this behalf by the Administrator may order such person to vacate the premises and may direct any police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

CHAPTER IV

POLICE REGULATIONS

21. **Regulation of traffic and for preservation of order in public places, etc.**—(1) The Commissioner of Police may, by notification in the Offical Gazette make regulations to provide for all or any of the following matters, namely.—

(a) licensing and controlling persons offering themselves for employment, outside railway stations and other places where passengers arrive, for the carriage of passengers' baggages and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(b) regulating traffic of all kinds in streets and other public places, and the use of streets and other public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may remain standing in streets and other public places, and the use of streets as halting places for vehicles or cattle;

(d) specifying the number and position of lights to be used on vehicles in streets and the hours between which such lights should be used;

(e) licensing, controlling or prohibiting the erection, exhibition, fixation or retention of any sign, device or representation for the purpose of advertisement, which is visible against the sky from some point in any street and is hoisted or held aloft over any land, building or structure at such height as may be specified in the regulations, having regard to the traffic in the vicinity, and the likelihood of such sign, device or representation at that height being a distraction, or causing obstruction, to such traffic;

(f) specifying certain hours of the day during which cattle shall not be driven, or as the case may be, driven only in accordance with such regulations, along the streets, or along certain specfied streets ;

(g) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(h) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(i) licensing, controlling or, in order to prevent obstruction, in convenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(j) prohibiting, except along certain specified streets and during specified hours and subject to such conditions as may be specified in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases, the carcasses of animals or parts of such carcasses or corpses of persons deceased ;

(k) specifying certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except in accordance with such regulations;

(l) setting apart places for slaughtering animals the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature ;

(m) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premisss by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the Administrator, with a view to prevent the disease or check the spread thereof;

(n) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only, the use of any source, supply or receptacle of water and providing against pollution of the same or of the water therein;

(o) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or other public places;

(p) regulating the conduct of or behaviour or action of persons constituting assemblies and processions on or along the streets and specifying in the case of processions, the routes by which the order in which, and the times at which, the same may pass;

(q) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air ;

(r) prohibiting, except in accordance with such regulations, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place ;

(s) licensing, controlling or, in order to tn prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting.—

(i) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Corporation or other Municipal officers duly authorised in that behalf,

(ii) the blasting of rock or making excavation in or near streets or public places,

(iii) the using of a loudspeaker in or near any public place or in any place of public entertainment;

(t) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(u) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(v) prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire work or sending up a fire baloon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with regulations in this behalf;

(w) regulating the hours during which and the manner in which any place for the disposal of the dead, any *dharmashala*, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(x) (i) licensing or controlling places of public amusement or public entertainment;

(ii) prohibiting the keeping of places of public amusement or public entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity; and

(iii) regulating the means of entrance and exit at places of public amusement or public entertainment or assembly and providing for the maintenance of public order and prevention of disturbance thereat ;

(y) (i) licensing or controlling in the interest of public order, decency or morality or in the interest of the general public (with such exceptions as may be specified in such regulations), musical, dancing, mimetic or theatrical or other performances for public amusement, including melas ;

(ii) regulating in the interest of public order, decency or morality or in the interest of the general public, the employment of artists and the conduct of the artists and the audience at such performances ;

(iii) prior scrutiny of such performances and of the scripts in respect thereof, if any, and granting of suitability certificate therefor subject to conditions, if any, by a Board appointed by the Administrator for the purpose, either for the whole of Delhi or for the area concerned or by an Advisory Committee constituted by the Commissioner of Police (the members of the Board or the Advisory Committee being persons who in the opinion of the Administrator or, as the case may be, the Commissioner, possess knowledge of, or experience in, literature, the theatre and other matters relevant to such scrutiny), provision for appeal against the order or decision of the Board or the Advisory Committee to an appellate authority, its appointment or constitution, its procedure and other matters ancillary thereto, and the fees (whether in the form of court-fee stamps or otherwise) to be charged for the scrutiny of such performances or scripts, for applications for obtaining such certificates and for issuing duplicates thereof and in respect of such appeals ;

(iv) regulating the hours during which and the places at which such performances may be given ;

(z) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(za) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Ordinance for keeping the eating house, and annual renewal of such registration within a specified period ,

(zb) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Ordinance should be applied for and fixing the fees to be charged for any such licence or permission ;

Provided that nothing in this section and no licence or certificate of registration granted under any regulation made thereunder shall authorise any person to import, export, transport, manufacture, sell or possess any liquor, or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under any law relating to prohibition which is for the time being in force.

(2) The power to make regulations under clause (b) of sub-section (1) shall be subject to the control of the Administrator and the power to make regulations under the other clauses of that sub-section shall be subject to the previous sanction of the Administrator.

(3) The power of making regulations under this section shall be subject to the condition of the regulations being made, after previous

publication and for the purposes of section 23 of the General Clauses Act, 1897 (10 of 1897) such regulations shall be deemed to be rules; and every regulation made under this section, shall also be published in the locality affected thereby by affixing copies thereof in conspicuous places near to the building structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in Hindi, Urdu and English, or in two or more of these languages, as the Commissioner of Police may deem fit, or by any two or more of these means, or by any other means he may think suitable ;

Provided that any such regulation may be made without previous publication if the Commissioner of Police is satisfied that circumstances exist which render it necessary that such regulation should be brought into force at once.

(4) If any regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bye-law of the Corporation or of any other municipal or local authority in relation to public health, convenience or safety of the locality such regulation shall be subject to such law, rule or bey-law.

29. **Power to give directions to the Public.**—The Commissione of Police and subject to the orders, if any, made by the Commissione of Police, every police officer not inferior in rank to an Inspector may from time to time as occasion may arise, but not so as to contravene any regulation made under section 28 or any law, rule, or bye-law referred to in sub-section (4) of that section, give all such orders either orally or in writing as may be necessary to—

(a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along streets ;

(b) specify the routes by which and the time at which any such processions may pass or shall not pass ;

(c) prevent obstructions—

(i) on the occasion of all processions and assemblies; and

(ii) in the neighbourhood of all places of worship during the time of worship; and

(iii) in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;

(d) keep order on, and in, all streets, and at, and within, public bathing and washing places fairs, temples mosques, gurdwaras; churches and all other places of public resort or public worship;

(e) regulate and control the playing of music, singing or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments in, and near, any street or public place;

(f) regulate and control the use of loudspeakers in residential areas, streets, near any public places and places of public amusement or public entertainment;

(g) make reasonable orders consequential to, and in furtherance of, any order made under this section.

30. **Power to prohibit certain acts for prevention of disorder:—** (1) The Commissioner of Police may, whenever and for such time as he shall consider necessary for the preservtion of public peace or public safety, by notification publicly promulgated or addressed to individuals, prohibit in relation to the whole of Delhi or any part thereof.—

(a) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence;

(b) the carrying of any corrosive substance or explosives;

(c) the carrying, collection or preparation of stones or other missiles or instruments or means of casting or impelling missiles;

(d) the exhibition of persons or corpses;

(e) the public utterance of cries, singing of songs or playing of music; or

(f) the delivery of harangues, the use of the gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other subject or thing which may, in the opinion of the Commissioner of Police, offend against decency or morality or undermine the security of the State.

(2) If any persons goes armed with any such article as is referrep to in clause (a) of sub-section (1) or carries any corrosive substance or explosive or missile or instrument in contravention of any prohibition under that sub-section, the article, corrosive substance or explosive or missile shall be liable to be seized from him by any police officer.

(3) The Commisioner of Police may, by notification publicly promulgated, prohibit any assembly or procession whenever and for such time as he considers such prohibition to be necessary for the preservation of the public order.

(4) No notification promulgated under sub-section (3) shall remain in force for more than fifteen days from the promulgtion thereof :

Provided that if the Administrator considers it necessary so to do for the preservation of the public order, he may, by order published in the Official Gazette, direct that such notification shall remain in force for such further period not exceeding six months from the date on which it would have, but for such order, expired as he may specify in the said order.

31. **Police to provide against disorder, etc., at places of public amusement or public assembly or meeting.—**. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, any police officer of the rank of Assistant Sub-Inspector and above, present at such place of public amusement, or such assembly or meeting, may subject to such rules, regulations and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting as he think necessary and all persons shall be bound to conform to every such reasonable direction.

(2) Every police officer shall have free access to every place of public amusement, or assembly or meeting for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Power to prohibit, etc., continuance of music, sound or noise.— 32. (1) If the Commissioner of Police is satisfied from the report of an officer in charge of a Police Station, or other information received by him, that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury, or risk of annoyance, disturbance, discomfort or injury, to the public or to any person who dwells, or occupies property, in the vicinity, he may, by written order, issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling orregulating—

(a) the incidence or continuance in any street, open space or any other premises of—

(i) any vocal or instrumental music;

(ii) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing or reproducing sound; or

(iii) use of loudspeaker or other apparatus for amplifying any musical or other sound at such pitch or volume as may cause disturbance to others, or

(b) the carrying on, in any premises, of any trade, avocation or operation resulting in or attended with noise :

Provided that no directions shall be issued to any person under clause (b) without giving to such person an opportunity of being heard in the matter.

(2) The Commissioner of Police may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the Commissioner of Police shall afford to the applicant an opportunity of appearing before him either in person or by counsel and showing cause against the order and shall, if he rejects any such application either wholly or in part, record the reasons for such rejection.

33. **Issue of order for prevention of riot, etc.**—(1) In order to prevent or suppress any riot or grave disturbance of peace, the Comissioner of Poli)e may temporarily close or take possession of any building or other place and may exclude all or any persons there from, or may allow access thereto such persons only and on such terms as he shall deem expedient and all persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner of Poli)e may make and notify in exercise of his powers under this section.

(2) If the lawful occupant of such building or place suffers any loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on an application made therefor to the competent authority within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such competent authority rendered necessary either by the use to which such building or place was put, or intended to be put, or by the misconduct of persons having access thereto.

(3) In the event of any dispute in relation to the amount of compensation payable under sub-section (2) or the person to whom such amount shall be payable, the matter shall be referred by the competent authority to the District Collector whose decision thereon shall be final.

34. **Maintenance of orders at religious or ceremonial display, etc.**—(1) In any case of an actual or intended religious or ceremonial or orporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of, or participation in, whith, it shall appear to the competent authority that a dispute or contention exists, which is likely to lead to grave disturbance of the peace, the competent authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested and all persons concerned shall obey such orders.

(2) Every such order shall be published in the locality or place wherein it is to operate.

(3) Every order under sub-section (1) shall be subject to any judgement, decree, injunction or order made by a court having jurisdiction, and shall be rescinded or altered on its being made to appear to the competent authority that such order is inconsistent with a judgement, decree, injunction or order of such court.

35. **Commissioner of Police may take special measures to prevent outbreak of epidemic disease at fairs, etc.**—(1) Whenever it shall appear to the Commissioner of Police that any place in Delhi (being a place where on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble) is visited or likely to be visited with an outbreak of any epidemic disease, he may in consultation with the Corporation or municipality within the local limits of the jurisdiction whereof such place is situated take such special measures and may by a public notice prescribe such regulations to be observed by residents of the said place and persons present thereat or repairing thereto or returning therefrom as he deems necessary to prevent the outbreak of such disease or the spread thereof.

(2) The expenses incurred by the Commissioner of Police in respect of the arrangements for sanitation and the preservation of order at or about the place of assembly referred to in sub-seetion (1) may be recovered from the Corporation or the municipality concerned.

36. **Power to reserve street or other public place for public purpose and power to authorise erecting of barriers in streets.**— (1) The Commissioner of Police may, by public notice, temporarily reserve for any public purpose any street or other public place and prohibit persons from entering the area so reserved, except on such conditions as may be specified by him.

(2) The Commissioner of Police may, whenever in his opinion such action is necessary.—

(*a*) authorise such police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street so as to satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver or the person in charge of such vehicle ; and

(*b*) make such orders as he deems fit for regulating the use of such barriers.

37. **Power to make regulations prohibting disposal of the dead except at places set apart.** (1) The Commissioner of Police may, from time to time, make regulations prohibting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such regulations shall be made in respect of any area for which places have not been so set apart :

Provided further that the Commissioner of Police or any officer authorised by him in this behalf may, in his discretion, on an application made to him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any regulations made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

10 of 1897. (3) All such regulations shall be deemed to be rules for the purposes of section 233 of the General Clauses Act, 1897 and shall be subject to the condition of previous publication and the date to be specified under clause (3) of that section shall not be earlier than two months from the date on which the draft of the proposed regulations is published.

CHAPTER V

SPECIAL MEASURES FOR MAINTENANCE OF PUBLIC ORDER AND SECURITY OF STATE

38. **Employment of additional police to keep peace.**—(1) The Commissioner of Police may, on the application of any person, depute any additional number of police to keep the peace, to preserve order, to enforce any of the provisions of this Ordinance or of any other law in respect of any particular class or classes of offences or to perform any other duties imposed on the police at any place in Delhi.

(2) Such additional police shall be employed at the cost (which shall be determined by the Commisaioner of Police in accordance with the rules made in this behalf) of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the Commissioner of Police considers necessary.

(3) If the person upon whose application such additional police are employed shall at any time make a written requisition to the Commissioner of Police for the withdrawal of the said police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one week from the date of the delivery of such requisition as the Commissioner of Police shall determine.

(4) Where there is any dispute as to the amount to be paid by way of cost, the Commissioner of Police shall, on an application made in that behalf by the aggrieved party, refer the matter to the District Collector, whose decision thereon shall be final.

39. **Employment of additional police in cases of special danger to public peace**—(1) If in the opinion of the Administrator any area in Delhi is in a disturbed or dangerous condition or the conduct of the inhabitants or of any particular section or class of the inhabitants of such area renders it expedient to employ temporarily additional police in the area, he may, by notification in the Official Gazette, specify the area (hereafter in this section referred to as the disturbed area) in which, and the period for which, the additional police shall be employed and thereupon the Commissioner of Police shall depute such number of additional police officers as he considers necessary, in the disturbed area :

Provided that the period so specified may be extended by the Administrator from time, to time, if in his opinion it is necessary so to do in the interests of the public.

(2) On the issue of a notification under sub-section (1), the Administrator may require the District Collector, or any other authority specified by the Administrator, to recover, whether in whole or in part, the cost of such additional police generally from all persons who are inhabitants of the disturbed area or specially from any particular section or class of such persons, and in such proportion as the Administrator may direct.

(3) It shall be lawful for the Administrator to exempt, by order in writing, and for sufficient reasons, any person from liability to bear any portion of the cost of such additional police.

Explanation.—In this section and in section 41, the expression "inhabitants", when used in relation to any disturbed area, includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupants of land in such area notwithstanding that they do not actually reside therein.

40. **Employment of additional police at large work and when apprehension regarding behaviour of employees exists.**—(1) Whenever it appears to the Administrator or to the competent authority that.—

(*a*) any large work which is being carried on or any public amusement which is being conducted in any place is likely to impede the traffic or to attract a large number of people ; or.

(*b*) the behaviour on a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern, under construction or in operation at any place necessitates the employment of additional police at such place;

the Administrator, or the competent authority, as the case may be, may depute such number of additional police to the said place for so long as the necessity to employ the additional police shall appear to the Administrator of the competent authority to continue.

(2) Such additional police shall be employed at the cost of the person by whom the work, public amusement manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the Administrator or the competent authority, as the case may be, shall from time to time require.

41. **Compensation for injury caused by unlawful assembly how recoverable.**—(1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the Administrator may,, by notification in the Official Gazette, specify the area (hereafter in this section called the "disturbed area") in which, and the date on which or the period during which, such unlawful assembly was, in his opinion, held.

(2) On the issue of a notification under sub-section (1), the District Collector may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid.

(3) The amount of the compensation shall be deemed to be a fine imposed under this section, and shall be payable by the inhabitants of the disturbed area.

(4) It shall be lawful for the District Collector to exempt, by order in writing and for sufficient reasons, any person from liability to pay any portion of the compensation amount.

42. **Dispute in regard to cost of deputing additional police or compensation under section 41.**-In the event of any dispute relating to the cost payable under section 39 or section 40 or the compensation determined under section 41 or the person or persons or the section or class of persons by whom or the proportion in which such cost or compensation should be paid, the matter shall be referred by the Collector, or the Administrator or the competent authority, as the case may be, on an application made in that behalf by the aggrieved party to the Chief Metropolitan Magistrate, whose decision thereon shall be final.

43.. **Recovery of amount payable under section 38, 39, 40 or 41**— Any amount payable under section 38, section 39, section 40 or section 41 shall be recovered in the same manner as if it were an arrear of land revenue.

44. (1) **Collector to award compensation.**—Amounts payable under section 38, section 39, section 40 or section 41 shall, when recovered, be credited to the Government.

(2) The District Collector shall pay, from the amounts recovered by him as compensation payable under section 41, such amount as he deems just and proper by way of compensation to any person who has suffered loss or damage to property or grievous hurt or to the legal heirs of any person who died, by reason of anything done in the prosecution of the common object of the unlawful assembly.

(3) No compensation shall be paid under this section, except when a claim has been made therefor within forty-five days from the date of the notification referred to in sub-section (1) of section 41 and the District Collector is satisfied that the claimant, where the claim is by the person who suffered the loss, damage or grievous hurt, or the deceased, where the claim is by the legal heirs of such deceased, has been free from blame in connection with the occurrence which led to the loss, damage, grievous hurt or death.

(4) The compensation payable to any person under sub-section (2) shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(5) No civil suit shall be maintainable in respect of any loss, damage or grievous hurt for which compensation has been granted under this section.

45. **Recovery of amounts payable under sections 39 and 41.**—Without prejudice to the provisions contained in section 43, all amounts payable under section 39 or section 41 shall be recoverable in the manner provided in sections 421 and 422 of the Code of Criminal Procedure, 1973, (2 of 1974), as if each such amount were a fine imposed on an offender by a court.

46. **Dispersal of gangs and bodies of persons.**—Whenever it appears to the Commissioner of Police that the movement or encampment of any gang or body of persons in any part of Delhi is causing or is calculated to cause danger to person or property or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body of persons or by members thereof, the Commissioner of Police may, by order addressed to the persons appearing to be the leaders or chief men of such gang or body of persons and published by announcement or beat of drums, or otherwise as the Commissioner of Police thinks fit direct the members of such gang or body of persons—

(*a*) to so conduct themselves as shall seem necessary in order to prevent violence and alarm, (*b*) to disperse and to remove themselves beyond the limits of Delhi, or any part thereof, within such time as the Commissioner of Police shall specify and not to enter Delhi or the part thereof, as the case may be, from which they were directed to remove themselves.

47. **Removal of persons about to commit offences.**—Whenever it appears to the Commissioner of Police—

(*a*) that the movements or acts of any person are causing or calculated to cause alaram, danger or harm to person or property; or

(*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, Chapter XVI, Chapter XVII or Chapter XXII of the Indian Penal Code (45 of 1860) or under section 290 or sections 489A to 489E (both inclusive) of that Code or in the abetment of any such offence; or

(*c*) that such person—

(*i*) is so desperate and dangerous as to render his being at large in Delhi or in any part thereof hazardous to the community; or

(*ii*) has been found habitually intimidating other persons by acts of violence or by show of force; or

(*iii*) habitually commits affray or breach of peace or riot, or habitually makes forcible collection of subscription or threatens people for illegal pecuniary gain for himself or for others; or

(*iv*) has been habitually passing indecent remarks on women and girls, or teasing them by overtures;

and that in the opinion of the Commissioner of Police witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or propety, the Commissioner of Police may, by order in writing duly served on such person, or by beat of drum or otherwise as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alaram or to remove himself outside Delhi or any part thereof, by such route and within such time as the Commissioner of Police may specify and not to enter or return to Delhi or part thereof, as the case may be, from which he was directed to remove himself.

Explanation.—A person who during a period within one year immediately preceding the commencement of an action under this section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this section shall be deemed to have habitually committed that act.

48. **Removal of persons convicted of certain offenders.**—If a person has been convicted—

(*a*) of an offence under Chapter XII, Chapter XVI or Chapter XVII of the Indian Penal Code (**45 of 1860;**) or

(*b*) of an offence under section 3 or section 4 of the Delhi Public Gambling Act, 1955, (**Delhi Act 9 of 1955.**) or under section 12 of that Act in so far as it relates to satta gambling or on two or more occasions under any other provision of that Act (including section 12 of that Act in so far as it does not relate to satta gambling); or

(*c*) of any offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (**104 of 1956**); or

(*d*) of any offence under section 25, section 26, section 27, section 28 or section 29 of the Arms Act, 1959 (**54 of 1959.**;) or

(*e*) of any offence under section 135 of the Customs Act, 1962 (**52 of 1962**); or

(*f*) of any offence under section 61, section 63 or section 66 of the Punjab Excise Act, 1955, (**Punjab Act No. 18 of 1955**). as in force in Delhi; or

(*g*) on two or more occasions of an offence under—

(*i*) the Opium Act, 1978; (**1 of 1878**).or

(*ii*) the Dangerous Drugs Act, 1930; (**2 of 1930**). or

(*iii*) the Drugs and Cosmetics Act, 1940; (**23 of 1940**). or

(*iv*) section 11 of the Bombay Prevention of Begging Act, 1959, (**Bombay Act No. 10 of 1960**) as in force in Delhi; or

(*h*) on three or more occasions of an offence under section 105 or section 107 of this Ordinance;

the Commissioner of Police may, if he has reason to believe that such person is likely again to engage himself in the commission of any of the offences referred to in this section, by order in writing, direct such person to remove himself beyond the limits of Delhi or any part thereof, by such route and within such time as the Commissioner of Police may specify and not to enter or return to Delhi or any part thereof, as the case may be, from which he was directed to remove himself.

49. **Period of operation of orders under section 46, 47 or 48.**—Any direction made under section 46, section 47 or section 48 not to enter Delhi or any part thereof, shall be for such period as may be specified therein, and shall in no case exceed a period of two years from the date on which it was made.

50. **Hearing to be given before order under section 46, 47 or 48 is passed.**—(1) Before an order under section 46, section 47 or

section 48 is made against any person, the Commissioner of Police shall by notice in writing inform him of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them.

(2) If such person makes an application for the examination of any witness to be produced by him, the Commissioner of Police shall grant such application and examine such witness, unless for reasons to be recorded in writing, the Commissioner of Police is of opinion that such application is made for the purpose of causing vexation or delay.

(3) Any written explanation put in by such person shall be filed with the record of the case.

(4) Such person shall be entitled to be represented in the proceeding before the Commissioner of Police by a counsel.

(5) (*a*) The Commissioner of Police may for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 46, section 47 or section 48 require such person, by order in writing, to appear before him and to furnish a security bond with or without sureties for attendance during the inquiey.

(*b*) The provisions of sections 119 to 124 (both inclusive) of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply in relation to the order under clause (*a*) to furnish security bond.

(6) Without prejudice to the foregoing provisions, the Commissioner of Police, while issuing notice to any, person under sub-section (1) may issue a warrant for his arrest and the provisions of sections 70 to 89 (both inclusive) of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply in relation to such warrant.

(7) The provisions of section 445, section 446, section 447 or section 448 of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply in relation to all bonds executed under this section.

51. **Appeal against orders under section 46, 47 or 48.**—(1) Any person aggrieved by an order made under section 46, section 47 or section 48 may appeal to the Administrator within thity days from the date of the service of such order on him.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompained by that order or a certified copy thereof.

(3) On receipt of such appeal, the Administrator may, after giving a reasonable opportunity to the appellant to be heard either hersonally or by a counsel and after such further inquiry, if any, as he may deem necessary, confirm, vary or set aside the order appealed against:

Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the Administrator otherwise directs.

(4) The Administrator shall make every endeavour to dispose of an appeal under this section within a period of three months from the date of receipt of such appeal.

(5) In calculating the period of thirty days provided for an appeal under this section, the time taken for obtaining a certified copy of the order appealed againse, shall be excluded.

52. **Finality of order in certain cases.**—An order passed by the Commissioner of Police under section 46, section 47 or section 48 or the Administrator under section 51 shall not be called in question in any court except on the ground.—

(*a*) that the Commissioner of Police or the Administrator, as the case may be, had not followed the procedure laid down in sub-section (1), sub-section (2) or sub-section (4) of section 50 or in section 51, as the case may be; or

(*b*) that there was no material before the Commissioner of Police or the Administrator, as the case may be, upon which he could have based his order; or

(*c*) in the case of an order made under section 47 or an order in appeal therefrom to the Administrator under section 51, the Commissioner of Police or the Administrator, as the case may be, was not of the opinion that witnesses were unwilling to come forward to give evidence in public against the person against whom such order has been made.

Procedure on failure on person to leave the area and his entry therein after removal.

53. If a person to whom a direction has been issued under section 46, section 47 or section 48 to remove himself from Delhi or any part thereof—

(a) fails to remove himself as directed; or

(b) having so removed himself enters Delhi or any part thereof within the period specified in the order, otherwise than with the permission in writing of the Commissioner of Police under section 54, the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Delhi or any part thereof as the Commissioner of Police may in each case specify.

54. **Temporary permission to enter and consequences of non observance of conditions of such permission.**—(1) The Commissioner of Police or any other police officer specially empowered by the Administratoin that behalf may, by order in writing, permit any person, in respect of whom an order under section 46, section 47 or section 48 has been made, to return to Delhi or any part thereof, from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observance of the conditions imposed.

(2) The Commissioner of Police may at any time revoke any such permission.

(3) Any person who with such permission returns to Delhi or any part thereof shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside Delhi or any part thereof, as the case may be, and shall not return thereto within the unexpired portion of the period specified in the original order made under section 46, section 47 or section 48 without a fresh permission.

(4) If such person fails to observe any of the conditions imposed, or to remove himself accordingly or having so removed himself enters or returns to Delhi or any part thereof, as the case may be, without fresh permission, the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Delhi or part thereof as the Commissioner of Police may in each case specify.

55. **Taking measurements and photograpes, etc., of persons against whom an order under section 46, 47 or 48 is made.**—Every person against whom an order has been made under section 46, section 47 or section 48 shall, if so required by the Commissioner of Police, allow his measurements and photo graph to be taken by a police officer in the prescribed manner.

56. **Resistance to the taking of measurements, etc.**—(1) If any person as aforesaid when required to all his measurements or photograph to be taken resists or refuses to allow the taking of such measurements or photograph, it shall be lawful to us all necessary means to secure the taking thereof.

(2) Resistance to or refuse to all the taking of measurements or photographs under this Ordinance shall be deemed to be an offence under section 186 of the Indian Penal Code. (45 of 1860)

(3) Where an order under stction 46, section 47 or section 48 is set aside in appeal, all measurements and photographs (including negatives) taken under this section shall be destroyed or made over to the person against whom such order is made.

57. **Banning of use of dress, etc., resembling uniform of armed forces.**—(1) If the Administrator is satisfied that the wearing in public, by any member of any body, or association or organisation, of any dress or article of apparel resembling any uniform required to be worn by a member of the Armed Forces of the Union or by a member of any police force or of any force constituted by or under any law for the time being in force, is likely to prejudice the security of the State or the maintenance of public order, he may, by a general or special order, prohibit or restrict the wearing, or display, in public of any such dress or article of apparel by any member of such body or association or organisation.

(2) Every general or special order under sub-section (1) shall be published in the manner prescribed for the publication of a public notice under section 142.

Explanation.—For the purposes of this section a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed in any place to which the public have access.

58. **Constitution of Defence Societies.**—(1) For the protection of persons, the security of property and the public safety in any locality the Commissioner of Police may constitute voluntary bodies (hereafter in this section referred to as Defence Societies) in the prescribed manner.

(2) The Commissioner of Police or any officer of a Defence Society may at any time call up officers subordinate to him or any member of a Defence Society for training or to discharge any of the duties under this Ordinance assigned to them,

(3) Every officer or member of a Defence Society shall—

(a) on appointment receive a certificate in such form as may be specified and approved by the Administrator in this behalf; and

(b) when called up for duty have the same powers, privileges and protection as are vested in a police officer appointed under this Ordinance.

(4) Notwithstanding anything contained in any law for the time being in force, an officer or member of a Defence Society shall not be disqualified for being chosen as, or for being, a member of—

(a) the Delhi Metropolitan Council or the Municipal Corporation of Delhi; or

(b) any other local authority,

by reason of the fact that he is a member or officer of such Society.

CHAPTER VI

EXECUTIVE DUTIES AND POWERS OF POLICE OFFICERS

59. **Duty of police officer to enforce provisions of the Ordinance.**—(1) It shall be the duty of every police officer to ensure compliance with the provisions of this Ordinance or any rule, regulation or order made thereunder and for that purpose such police officer may,—

(a) warn persons who from ignorance fail to comply with any provision of this Ordinance or any rule, regulation or order made thereunder;

(b) require any person acting or about to act contrary to any provision of this Ordinance or rule, regulation or order made thereunder, to desist from so doing;

(c) subject to the provisions of sub-section (2) and (3), arrest any person contravening any provision of this Ordinance or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Ordinance;

(d) seize any object used, or about to be used, in contravening or in contravention of, the provisions of this Ordinance or any rule, regulation or order made thereunder, where such contravention is an offence punishable under this Ordinance.

(2) A police officer shall not arrest any person clause (c) of sub-section (1) without a warrant issued by a Metropolitan Magistrate, unless such person—

(a) has contravened any regulation made under clause (b) of sub-section (1) of section 28;

(b) has contravened any order or notification made under section 29, section 30, section 32, section 47, section 48 or sub-section (1) of section 57;

(c) has committed, or is reasonably suspected to have committed, an offence punishable under section 101, section 102 or clause (c) of sub-section (3) of section 113;

(d) has committed, or is reasonably suspected to have committed, an offence punishable under section 100 in relation to any dwelling house, private premises or any other land or ground attached thereto:

Provided that the person in possession or having charge of that dwelling house, private premises or land or ground complains of the commission of such offence;

(e) commits in the presence of such police officer an offence punishable under saction 97, sub-section (1) of section 108, clause (a), (b) or (c) of section 110 or sub-section (3) of section 113 in respect of the contravention of any order made under section 33 or section 34;

(f) commits in his presence in any street or public place any non-cognizable offence punishable under this Ordinance or any rule or regulation made thereunder if such person—

(i) after being warned by the police officer persists in committing such offence; or

(ii) refuses to accompany the poliee officer to a police station on being required so to do.

(3) The Commissioner of Police or any other police officer especially empowered in this behalf by the Commissioner of Police may arrest without a warrant issued by a Metropolitan Magistrate any person who has committed an offence punishable under section 92.

60. **Other duties of a police officer.**—It shall be the duty of every police officer—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by the competent authority and to comply with all lawful commands of his superior;

(b) to the best of his ability, to obtain intelligence concerning the commission of cognizable offences or designs to committee such offences and to lay such information and to take such other steps consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice and to prevent the commission of cognizable and, within his view, of non-cognizable offences ;

(c) to prevent to the best of his ability the commission of public nuisances;

(d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and far whose apprehension there is sufficient reason;

(e) to aid any other police officer when called upon by such other police officer or in the case of need in the discharge of the duty of such other police officer, in such ways as would be lawful and reasonable on the part of the officer aided ;

(f) to prevent the breach of the public peace ;

(g) to afford every assistance within his power to disabled or helpless persons in the streets ;

(h) to take charge of intoxicated persons and of lunatics at large, who appear dangerous or incapable of taking care of themselves;

(i) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person to have due regard to his condition ;

(j) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(k) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(l) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(m) to use his best endeavours to prevent any loss or damage by fire;

(n) to use his best endeavours to avert any accident or danger to the public;

(o) to regulate and control the traffic in the streets, to prevent obstructions therein and to the best of his ability, to prevent the contravention of any rule, regulation or order made under this Ordinance or any other law in force for observance by the public in or near the streets;

(p) to keep order in the streets at and within public bathing and washing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship;

(q) to regulate resort to public bathing and washing places and all other places ofpublic resort, to prevent overcrowding there and to the best of his ability, to prevent the contravention of any regulation or order lawfully made for observance by the public at such place;

(r) to discharge such other duties as are imposed upon him by any law for the time being in force.

61. **Power to enter places of public resort.**—Subject to the provisions of this Ordinance and the rules, regulations and orders made thereunder, every police officer may, for the purpose of discharging any of the duties referred to in section 59 or section 60 enter without a warrant and inspect any place of publicresort which he has reason to believe is used as a place for the storing sale or consumption of intoxicating drinks or narcotics or a place for resort of loose and disorderly characters.

62. **Power to search suspected persons in street, etc. 2 of 1974.**—When in a street or a place of public resort a person is in possession or suspected to be in possession of any article which a police officer in good faith suspects to be stolen property, such police officer may search such person and may require an account in relation to any article found in his possession and should the account given by the possessor be manifestly false or suspicious may detain such article after giving to the possessor a receipt in the prescribed form and report the facts to a Metropolitan Magistrate who shall thereupon proceed according to the provisions of sections 457, 458 and 459 of the Code of Criminal Procedure, 1973.

63. **Emergency duties of police.**—(1) The Administrator may, by notification in the Official Gazette, declare any specified service to be an essential service to the community.

(2) A declaration made under sub-section (I) shall remain in force for one month in the first instance, but may be extended from time to time by a like notification.

(3) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every police officer to obey any order given by any superior officer in relation to any employment in connection with the service specified in the declaration.

64. **Superior police officer may himself perform duties imposed on a subordinate officer.**—A police officer of a rank superior to that of a constable may perform any duty assinged by a lawful order to any officer subordinateto him, and in the case of any duty imposed on such subordinate, a superior may aid, supplement, supersede, or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

65. **Persons bound to comply with the reasponable directions of police officer.**—(1) All persons shall be bound to comply with the reasonable directions given by a police officer in the discharge of his dutiesunder his Ordinance.

(2) Where any person resists, refuses or fails to comply with any direction referred to in sub-section (1), a police officer may, without prejudsce to any other action that he may take under any other provision of this Ordinance or any other law for the time being in force, remove such person and either produce him before a Metropolitan Magistrate or, in trivial cases, release him when the occasion which necessitated the removal has ceased to exist :

Provided that the person so removed shall in all cases be produced before the Metropolitan Magistrate or released, as the case may be, within a period of twenty-four hours of such removal.

CHAPTER VII

POWERS IN RELATION TO UNCLAIMED PROPERTY

66. **Police to take charge of unclaimed property.**—(1) It shall be the duty of every police officer to take temporary charge—

(a) of all unclaimed property found by or made over to him ; and

(b) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or fails to do so.

(2) The police officer taking charge of the property under sub-section (1) shall furnish an inventory thereof to the Commissioner of Police.

67. **Procedure for disposal of property taken charge of under section 66.**—(1) Where any property has been taken charge of under sub-section (1) of section 66, the Commissioner of Police shall issue a proclamation specifying the articles of which such property consists and requiring that any person who may have a claim thereto shall appear before him or some other officer whom he authorises in this behalf and establish his claim within six months from the date of such proclamation.

(2) If the property, or any part thereof, is subject to speedy and natural decay or consists of livestock or if the property appears to be of the value of less than fity rupees, it may forthwith be sold by auction under the orders of the Commissioner of Police and the net proceeds of such sale shall be dealt within the same manner as is hereinafter provided for the disposal of the said property.

(3) Where any person who has a claim to the property is required by the proclamation under sub-section (1) to apper before the other officer authorised by the Commissioner of Police in that behalf and establish his claim, such officer shall forward record the proceedings before him with his findings thereon to the Commissioner of Police.

68. **Delivery of property to person entitled.**—(1) The Commissioner of Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 67 order the same to be delivered to him, after deduction or payment of the expenses incurred by the Delhi police in the seizure and detention thereof.

(2) The Commissioner of Police may, at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

69. **In defeault of claim, property to be at disposal of the Administration.**— (1) If no person establishes his claim to such property within the period specified in the proclamation, the property, or such part thereof as has not already been sold under sub-section (2) of section 67, may be sold by auction under the orders of the Commissioner of Police and the proceeds thereof shall be credited to the Government.

(2) If any claim is made to any proceeds credited under sub-section (1) to the Government and if such claim is established, whether wholly or to any extent, to the satisfaction of the prescribed authority, the Administrator shall pay to the claimant the amount determined in that behalf by the prescribed authority.

(3) The form and manner in which claims may be made under sub-section (2) and the procedure for dealing with such claims and all other matters connected therewith shall be such as may be prescribed.

CHAPTER VIII

SPECIAL PROVISIONS RELATING TO EXERCISE OF POWERS UNDER THE CODE OF CRIMINAL PROCEDURE, 1973

70. **Power of Central Government to authorise Commissioner of Police and certain other officers to exercise powers of District Magistrates and Executive Magistrates under the Code of Criminal Procedure 1973.**— (1) The Central Government may, by notification in the Official Gazette and subject to such conditions and limitations as may be specified therein, empower—

(a) the Commissioner of Police to exercise and perform in relation to Delhi the powers and duties of an Excutive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure, 1973, **(2 of 1974)** as may be specified in the notification ;

(b) any officer subordinate to the Commissioner of Police (not being an officer below the rank of an Assistant Commissioner of Police) to exercise and perform in relation to such areas in Delhi as may be specified in the notification the powers and duties of an Executive Magistrate under such of the provisions of the said Code as may be specified in the notification.

(2) Every officer subordinate to the Commissioner of Police shall, in the exercise and performance of any powers and duties which he is empowered to exercise or perform under sub-section (1), be subject to the general control of the Commissioner of Police in the same manner and to the same extent as an Executive Magistrate appointed under section 20 of the said Code would be subject to the general control of the District Magistrate appointed under that section.

(3) The Commissioner of Police or any officer subordinate to him shall not be subject in the exercise and performance of any powers and duties which he is empowered to exercise and perform under sub-section (1), to the general control of the District Magistrate appointed under section 20 of the said Code.

(4) The provisions of this section shall have effect notwithstanding anything contained in the said Code.

71. **Notifications under section 70 to be laid before Parliament.**—Exvry notification made by the Central Government under section 70 shall be laid, as soon as it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

72. **References to Judicial Magistrate of the First Class in sections 108, 109 and 110 of the Code of Criminal Procedure, 1973 not to be construed as references to an Executive Magistrate.**—(1) The notification of the Government of India in the Ministry of Home Affairs No. S.O. 224 (E), dated the 30th March, 1974, under section 478 of the Code of Criminal Procedure, 1973, **(2 of 1974)** shall cease to have effect and accordignly references to a Judicial Magistrate of the First Class in sections 108, 109 and 110 of the said Code shall cease to be construed in respect of Delhi as references to an Executive Magistrate.

(2) All proceedings, under the said sections, pending before any Executive Magistrate immediately before the cesser of operation under sub-section (1) of the notification referred to therein shall, upon such cesser of operation, stand transferred to the Metropolitan Magistrate who would have jurisdiction if such proceedings had been instituted after such cesser of operation.

(3) Subject to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897, **(10 of 1897)** shall apply to the cesser of operation of the notification referred to in sub-section (1) as if such cesser of operation of the notification were a repeal of an enactment by a Central Act.

CHAPTER IX

SPECIAL POWERS UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

73. **Powers with regard to offences under Act 59 of 1960.**—(1) When in respect of an animal an offences under sub-section (1) of section 11 or section 12 of the Prevention of Cruelty to Animals Act, 1960 has been committed, or when there is a reasonable ground for suspecting that such offence has been committed, a police may—

(a) take the animal to the Metropolitan Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer specified by general or special order by the Administrator in this behalf :

Provided that the police officer may, instead of taking the animal to veterinary officer, take the animal for detention in a dispensary, or in any suitable place approved by the Administrator by general or special order and the animal shall thereupon be detained there until its production before a Metropolitan Magistrate, or

(c) take the animal to an infirmary appointed under section 35 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (2) of that section, or

(d) when the animal is in such physical condition that it cannot be taken to a veterinary officer or a Metropolitan Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wound, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal :

Provided that the police officer may take the animal for detention in a dispensary or any suitable place approved by the Administrator by general or special order and the animal shall thereupon be detained there until its productian before a Metropolitan Magistrate.

(2) Where an animal is detained in a dispensary, infirmary or other place under sub-section (1), the animal shall be produced before a Metropolitan Magistrate with the least possible delay and in any case within a period not exceeding three days from the date on which it was so detained.

74. **Powers of Metropolitan Magistrate to return animal to person from whose possession it was taken. Veterinary officer to examin the animal.**—When the animal is brought before a Metropolitan Magistrate under section 73, the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Metropolitan Magistrate binding himself to produce the animal when required or may direct that the animal shall be sent for treatment and care to an infirmary and be detained there as provided in section 35 of the Prevention of Cruelty to Animals Act 1960 or may make **(59 of 1960)** such order as he thinks fit regarding the disposal or custody or production of the animal.

75. The veterinary officer before whom an animal is brought under section 73 shall with all convenient speed examine the same and draw up a report of such examination and a copy of the report of such examination shall be delivered free of charge to the accused person if he applies for it.

76. **Animal to be dealt with under Act 59 of 1960.**—When under section 73, a police officer takes an animal for detention in a dispensary or infirmary or other place before its production before a Metropolitan Magistrate or a Metropolitan Magistrate directs its further detention in an infirmary, sub-section (3) to (7) (both inclusive) of section 35 of the Prevention of Cruelty to Animals Act, 1960 shall, as far as may be, apply in relation to the detention of the animal (including the cost of transport, maintenance and treatment of the animal) in the dispensary, infirmary or other place.

77. **Power of police officer to unsaddle the animal or to unload it.**—When a police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if any person refuses to do so, such police officer may himself unsaddle or unload the animal or may cause the same to the unsaddled or unloaded.

78. **Arrest without warrant in case of certain offences under Act 59 of 1960.**—Any police officer may arrest, without a warrant from a Magistrate, any person committing in his presence any offence punishable under clauses (a) to (m) (both inclusive) of sub-section (1) of section 11 of the Prevention of Cruelty to Animals Act, 1960.

79. **Provisions of Chapter to be in addition to the provisions of Act 59 of 1960.**—The provisions of this Chapter shall be in addition to, and not in derogation of, the provisions of the Prevention of Cruelty to Animals Act, 1960.

CHAPTER X

OFFENCES AND PUNISHMENTS

80. **Disregarding the rules of the road.**—No person shall—

(a) when driving a vehicle along a street (except in cases of actual necessity or of some other sufficient reason for deviation) fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of svuch ehicle ; or

(b) leave in any street or public place insufficiently tended or secured any animal or vehicle.

81. **Causing obstruction or mischief by animal.**—No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place—

(i) by misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle or

(ii) by driving any vehicle or animal laden with timber, poles or other unwieldy articles through a street or public place contrary to any regulation made in that behalf.

82. **Exposing animal for hire, sale, etc.**—No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal except at such times and places as the competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle or (except when as a result of any accident repairing on the spot is unavoidable) repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or serious annoyance to residents in the vicinity or to the public.

83. **Causing any obstruction in a street.**—No person shall cause obstruction in any street or public place—

(a) by allowing any animal or vehicle, which has to be loaded or unloaded, or take up or set down passengers, to remain or stand in the street or the public place longer than may be necessary for such purpose ; or

(b) by leaving any vehicle standing or fastening any cattle in the street or the public place ; or

(c) by using any part of a street or public place as a halting place for vehicles or cattle ; or

(d) by leaving any box, bale, package or other things whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation ; or

(e) by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

84. **Obstructing a footway.**—No person shall drive, ride, load, propel or leave on any footway any animal or vehicle other than a perambulator or fastenanimal in such a way that the animal can stand across or upon such footway.

85. **Causing obstruction to and annoyance by performances, etc.**—No person shall in contravention of any regulation made by the Commissioner of Police,—

(*a*) exhibit any mimetic, musical or other performances of such a nature as may attract crowds or

(*b*) carry or place bulky advertisements, pictures, figures or emblems in any street or public place.

whereby any obstruction to passengers or annoyance to the residents in the vicinity may be occasioned.

86. **Doing offensive acts on or near a street or public place.**—No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place, except at a place set apart for the purposes so as to cause annoyance to the neighbouring residents or to passers by.

87. **Letting loose horse, etc. and suffering ferocious dogs to be at large.**—No person shall in any street or public place—

(*a*) negligently let lose any horse or other animal, so as to cause danger, injury, alarm or annoyance or

(*b*) suffer a ferocious dog to be at large without a muzzle

(c) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

88. **Bathing or washing in places not set apart for those purposes.**—No person shall bathe or wash in, or by the side of, a public well, tank or reservoir not set apart for such purpose by ord r of the competent authority, or in, or by the side of, any pond, pool, aqueduct, part of a river, stream, nullah or other source or means of water supply in which such bathing or washing is forbidden by order of the competent authority:

89. **Defining water in public wells etc.**—No person shall defile or cause to be defieled the water any public well, tank, reservoir, pond, or means of water supply, ariver, stream, nullah or other source pool, aqueduct or part of so as to render the same less fit for purpose for which it is satapart by the order of the competent authority.

90. **Obstructing bathers.**—No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 88 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

91. **Behaving indecently in public.**—No person shall wilfully and indecently expose his person in any street or public place or place of public resort or within sight of, and in such manner as to be seen from, any street or public place or place of public resort, whether from within any house or building or not, of use in [illegible] language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or in any office, police station or station house.

92. **Obstructing or annoying passengers in the street.**—No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements,

menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise, disturb the public peace or order.

93. **Misbehaviour with intent to provoke a breach of the peace.**—No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

94. **Prohibition against flying kites, etc. Committing nuisance in or near street, etc**—No person shall fly a kite or any other thing so as to cause danger, injury or alarm to persons, animals or property..

95. No person shall in or near to any street, public place or place of public resort—

(*a*) commit a nuisance by easing himself. or

(*b*) having the care or custody of any child under seven years of age, suffer child to commit a nuisance as aforesaid or

(*c*) spit or throw any dust, ashes, refuse or rubbish so as to cause annoyance to any passer-by.

96. **Disregard of notice in public building.**—No person shall, in any court, police station, police office or building occupied by Government or building occupied by any local body, smoke, or spit in contravention of a notice, by the competent authority in charge of such place, displayed in such court, police station, police office or building.

97. **Penalties for offences under Sections 80 to 96.**—Any person who contravenes any of the provisions of sections 80 to 96 (both inclusive) shall, on conviction, be punished with fine which may extend to one hundred rupees, or, in default of payment of such fine, with imprisonment for a term not exceeding eight days.

98. **Penalty for failure to keep in confinement cattle, etc.**—(1) Whoever allows any cattle which are his property in his charge to stray in any street or to trespass upon any public or private property shall on conviction be punished—

(*a*) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both:

(*b*) for the second or subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) The Metropolitan Magistrate trying an offence under sub-section (1) may order—

(*a*) that the accused shall pay such compensation not exceeding two hundred and fifty rupees as such Magistrate considers reasonable to any person for any damage proved to have been caused to his property or the produce of his land by the cattle under the control of the accused trespassing on his land, and

(*b*) that the cattle in respect of which the offence has been committed shall be forfeited to the Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) It shall be the duty of every police officear and it shall be lawful for any other person to seize and take to any cattle pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.

(5) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed

(6) The offence under this section shall be cognizable.

99. **Punishment for crueltyto animals.**—Whoever in any place beats, goads, ovreworks cruelly illtreats or tortures or causes, or procures to be cruelly beaten goadedoverworked illtreated or tortured any animal shall, on conviction be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

100. **Wilful trespass.**—Whoever without satisfactory excuse wilfully enters orremains in or upon any dwelling-house or premises or land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or used for public purposes, or on any vehicle, shall, on conviction, whether he causes any actual damageor not, be punished with imprisonment which may extend to seven days or with fine which may extend to one hundred rupees, or with both.

101. **False alarm of fire or damage to fire alarm.**—Whoever knowingly gives or causes to be given a false alarm of fire to the brigade of the Government or the Corporation or a municipality or to any officer or fireman thereof, whether by means of a street fire alarm, statement, message or otherwise, or with intent to give such false alarm, wilfully breaks the glass of or otherwise damages, a street fire alarm, shall, on conviction, be punished

with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

102. **Being found under suspicious circumstances between sunset and sunrise.**—Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on any vehicle, without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place being a reputed thief and without being able to give a satisfactory account of himself, or;

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house breaking,

shall, on conviction, be punished with imprisonment for a term which may extend to three months.,

103. **Possession of property of which no satisfactory account can be given.**—Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Metropolitan Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.

104. **Omission by pawnbrokers, etc,. to report, to police possession or tender of property suspected to be stolen.**—Whoever being a pawn-broker; dealer in second hand property, or worker in metals, or reasonably believed by the Commissioner of Police to be such a person, and having received from a police officer written or printed information in relation to any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal (Code 45 of 1860) or by any offence punishable under section 417, section 418 section 419 or section 420 of the said Code, is found in possession, or, after the receipt of such information comes into possession or has an offer, either by way of sale, pawn exchange, or for custody, alteration or otherwise howsoever, madeto him, of property answering the description in such contained information, shall unless—

(*i*) he forthwith gives information to the Commissioner of Police, or at a police station of such possession or offers and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property, being an article of common wearing apparel or otherwise, is incapable of identification from the written or printed information given has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

105. **Melting, etc., of property referred to in section 104.**—Whoever having received such information as is referred to in section 104 alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the police, any such property as is referred to in that section shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code (45 of 1860) or property in respect of which any offence punishable under section 417, section 418 section 419 or section 420 of the said Code has been committed be punished with imprisonment for a term which may extend to three years or with fine, or with both.

106. **Taking pledge from child** :—Whoever takes from any child, not appearing to be above the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child or with out the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished, with fine which may extend to one hundred rupees.

107. **Suffering disordely conduct at places of public amusement, etc.** :—Whoever, being the keeper of any place of public amusement or public entertainment knowingly permits or suffers drunkenness or other disorderly behaviour or any gambling whatsoever, in such place, shall, on conviction, be punished with fine which may extend to one hundred rupees.

108. **Cheating at games and gambling in street** :—(1) Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game or in taking part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sports, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed to have committed the offence of cheating within the meaning of section 415 (45 of 1860) of the Indian Penal Code, and be liable to punishment accordingly.

(2) Whoever assembles with others, or joins any assembly, in a street assembled for the purpose of gambling or wagering shall, on conviction, be punished with fine which may extend to fifty rupees or may be released after a due admonition.

109. **Penalty for disobedience to order under section 27.**—Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 27 requiring him to vacate any permises, shall, on conviction be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

110. **Penalty for contravening regulations etc., under section 28.**—Save as provided in section 112, whoever cntravenes, or abets the contravention of, any regulation made under section 28 or any of the conditions of a licence issued under such regulation, shall on conviction, be punished —

(*a*) if the regulation was made under clause (*b*) of sub-section (1) of section 28 providing for the prohibition of the sale or exposure for sale, of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public—

(*i*) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both, and

(*ii*) for any subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees;

(*b*) if the regulation was made under clause (*d*), (*h*), (*i*) or (*j*
sub-clause (*i*) or (*ii*) of clause (*s*) or clause (*v*) of sub-section (1))t
section 28, with imprisonment for a term which may extend to eigh,
days, or with fine which may extend to fifty rupees, or with both ; fo

(*c*) if the regulation was made under/clause (*o*) or (*p*) of sub-section (1) of section 28, with fine which may extend to two hundred rupees ; and

(*d*) if the regulation was made under any clause of sub-section (1) of section 28 and for the contravention of which no penalty is provided under clause (*a*), (*b*) or (*c*) of this section, with fine which may extend to fifty rupees.

111. **Liability of licensee of place of public amusement, entertainment or acts of servants.**—The holder of a licence granted under this Ordinance in respect of a place of public amusement or public entertainment shall de responsible, as well as the actual offender for any offence under section 110 committed by his servant or other agent acting with his express or implied permission on his behalf as if he himself had committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.

112. **Penalty for not obtaining licence in respect of place of public entertainment or certificate of registration in respect of eating house, or for not renewing such licence or certificate within prescribed period.**— (1) Whoever fails to obtain a licence under this Ordinance in respect of a place of public entertainment or a certificate of registration thereunder in respect of any eating house, or to renew the licence or the certificate, as the case may be, within the prescribed period shall, on conviction, be punished with fine which may extend to fifty rupees.

(2) Any court trying any such offence shall in addition direct that the person keeping the place of public entertainment or, the eating house, in respect of which the offence has been committed shall close such place, or eating house until he obtains a licence, or fresh licence, or a certificate or registration or fresh registration certificate, as the case may be, in respect thereof and thereupon such person shall forthwith comply with such direction.

(3) If the person fails to comply with any such direction, he shall, on convicitior, be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

(4) Without prejudice to any action taken under sub-section (3), on the failure of such person to comply with the direction of the court, any police officer authorised by the Commissioner of Police, by an order in writing, may take or cause to be taken such steps and use or cause to be used force as may, in the opinion of such officer be reasonably necessary for securing compliance with the court's direction.

113. **Penalties for contravention of orders, etc., under sections 29, 30, 31, 32, 33 and 34.**—(1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 29 shall, on conviction, be punished with fine which may extend to two hundred rupees.

(2) Whoever opposes or fails to conform to any direction given by a police officer under section 31, shall, on conviction, be punished with fine which may extend to two hundred rupees.

(3) Whoever contravenes a notification or an order made under section 30, section 32, section 33 or section 34 or abets the contravention thereof shall, on conviction be punished—

(*a*) if the said notification or order was made under sub-section (1) of section 30 or under section 33 or section 34, with imprisonment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine:

Provided that the Court may, for adequate and sufficient reasons to be mentioned in the judgment, impose a sentences of imprisonment for a term of less than four months;

112. **Penalty for not obtaining licence in respect of place of public entertainment or certificate of registration in respect of eating house, or for not renewing such licence or certificate within prescribed period.**— (1) Whoever fails to obtain a licence under this Ordinance in respect of a place of public entertainment or a certificate of registration thereunder in respect of any eating house, or to renew the licence or the certificate, as the case may be, within the prescribed period shall, on conviction, be punished with fine which may extend to fifty rupees.

(2) Aay court trying any such offence shall in addition direct that the person keeping the place of public entertainment or, the eating house, in respect of which the offence has been committed shall close such place, or eating house until he obtains a licence, or fresh licence, or a certificate or registration or fresh registration certificate, as the case may be, in respect thereof and thereupon such person shall forthwith comply with such direction.

(3) If the person fails to comply with any such direction, he shall, on convicitior, be punished with imprisomment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

(4) Without prejudice to any action taken under sub-section (3), on the failure of such person to comply with the direction of the court, any police officer authorised by the Commissioner of Police, by an order in writing, may take or cause to be taken such steps and use or cause to be used force as may, in the opinion of such officer be reasonably necessary for securing compliance with the court's direction.

113. **Penalties for contravention of orders, etc., under sections 29, 30, 31, 32, 33 and 34.**—(1) Whoever contravenes, disobeys, opposes or fails to conform to any order given by a police officer under section 29 shall, on conviction, be punished with fine which may extend to two hundred rupees.

(2) Whoever opposes or fails to conform to any direction given by a police officer under section 31, shall, on conviction be punished with fine which may extend to two hundred rupees.

(3) Whoever contravenes a notification or an order made under section 30, section 32, section 33 or section 34 or abets the contravention thereof shall, on conviction be punished—

(*a*) if the said notification or order was made under sub-section (1) of section 30 or under section 33 or section 34, with imprisonment for a term which shall not be less than four months but which may extend to one year, and shall also be liable to fine:

Provided that the Court may, for adequate and sufficient reasons to be mentioned in the judgment, impose a sentences of imprisonment for a term of less than four months;

(*b*) If the said order was made under sub-section (2) of section 30, with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both ;

(*c*) if the said notification was made under sub-section (3) of section 30, with fine which may extend to one hundred rupees ;

(*d*) if the said order was made under section 32, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

114. **Penalty for contravention of regulations, etc., made under sections 35, 36 and 37.**—Whoever contravenes, or abets the contravention of, any regulation, direction or order made under section 35, section 36 or section 37 shall, on conviction, be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

115. **Penalty for contravening directions under section 65**—Whoever opposes or fails to conform to any direction given by any police officer under section 65 or abets the opposition or failure to conform to such direction shall, on conviction, be punished with fine which may extend to fifty rupees.

116. **Penalty for contravention of directions under section 46, 47 or 48.**—Whoever opposes or fails to conform to any direction issued under section 46, section 47 or section 48 or abets the opposition to, or the failure to conform to, any such direction shall on conviction, be punished with imprisonment which shall not be less than four months but which may extend to one year and shall also be liable to fine :

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than four months.

117. **Penalty for entering without permission area from which a person is directed to remove himself or overstaying when permitted to return temporarily.**—Without prejudice to the power to arrest and remove a person in the circumstances, and in the manner provided in section 53, any person who,—

(*a*) in contravention of a direction issued to him under section 46, section 47 or section 48 enters or returns without permission to Delhi, or any part thereof, as the case may be, from which he was directed to remove himself ;

(*b*) enters or returns to Delhi or any part thereof with permission granted under sub-section (1) of section 54, but fails, contrary to the provisions thereof, to remove himself outside such area at the expiry of the temporary period for which he was permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter, without fresh permission.

shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to two years and shall also be liable to fine :

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

118. **Penalty for contravention of orders under section 57.**—Whoever contravenes any order made under section 57 shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

119. **Dangerous performances.**—(1) No person shall without the previous permission of the Commissioner of Police and except in accordance with any conditions subject to which such permission is granted, hold or give in any place which is likely to cause an assembly of persons, any performance in which or during which he buries himself under ground or seals himself in any room or receptacle or other thing, in such manner as to prevent all access of air to him and for such time as would ordinarily result in death by suffocation.

(2) If any person contravenes or attempts to contravene the provisions of sub-section (1), he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine, or with both.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) the offence punishable under this section shall be cognizable.

120. **Neglect or refusal to serve as special police officer.**—Any person who having been appointed to be a special police officer under section 17 shall without sufficient cause neglect or refuse to serve as such or to obey any lawful order or directing that may be given to him for the performance of his duties as such special police officer shall, on conviction, be punished with fine which may extend to fifty rupees.

121. **Penalty for making false statement, etc., and for misconduct of police officers.**—(*a*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police officer, or

(*b*) any police officer who.—

(i) is guilty of cowardice, or

(ii) being a police officer of subordinate rank resigns his office or withdraws himself from duties thereof in contravention of section 25, or

(iii) is guilty of any wilful breach or neglect of any provision of law or of any rule or regulation or any order which he is bound to observe or obey, or

(iv) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Explanation.—A police officer who being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave shall, for the purpose of sub-clause (ii) of clause (b), be deemed to withdraw himself from the duties of his office within the meaning of section 25.

122. **Penalty for failure to deliver up certificate of appointment or other article.**—Any police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section 26 shall on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred, rupees, or with both.

123. **Vexatious entry, search, arrest, etc., by police officer.**—Any police officer who—

(*a*) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches or arrests any person; or

(*d*) offers any unnecessary personal violence to any person in his custody; or

(*e*) holds out any threat or promise not warranted by law,

shall, for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

124. **Penalty for vexatious delay in forwarding a person arrested.**—Any police officer who vexatiously and unnecessarily delays the forwarding of any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may

extend to six months, or with fine which may extend to five hundred rupees, or with both.

125. Penalty for opposing or not complying with direction givenunder clause (b) of sub-section (1) of section 59.—Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer under clause (b) of sub-section (1) of section 59, or abets the opposition thereto or failure to comply there-with, shall, on conviction, be punished with imprisonment for a term which shall not be less than four months but which may extend to one year and shall also be liable to fine:

Provided that the court may for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than four months.

126. Penalty for un-authorised use of police uniforms.—If any person not being a member of the Delhi police wears without the permission of an officer authorised by the Administrator in this behalf by general or special order, the uniform of the Delhi police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to two hundred rupees.

127. Power to make regulations regarding carrying weapons without authority.—(1) The Commissioner of Police may, by notification in the Official Gazette, make regulations to provide that no person other than a member of the armed forces of the Union acting as such or a police officer, shall go armed with any sword, spear, bludgeon' gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by such authority as may be specified in such regulations.

(2) Any regulation made under sub-section (1) may provide that any person who goes armed in contravention of such regulation shall be liable to be disarmed by ano police officer and the weapon or substance so seized shall be forfeited to the Government unless redeemed within two months by payment of such fine, not exceeding five hundred rupees, as the commissioner of Police imposes.

128. Prosecution for certain offences against this Ordinance to be in the descretion of Delhi police.—It shall not, except in obedience to a rule, regulation or order made by the Administrator or by the Commissioner of Police beincumbent on the Delhi police to prosecute for an offence punishable under section 97, section 104, sub-section (1) of section 113, section 114, section 115, or section 120 when such offence has not occasioned serious mischief and has been promptly desisted from on a warninig being given.

129. Summary disposal of certain cases.—(1) A court taking cognizance of an offence punishable under section 97, or under clause (*a*), (*b*) or (*c*) of section 110 may state upon the summons to be served on the accused person that he may by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum not exceeding one hundred rupees in the ase of an offence punishable under section 97 and in any other case rupees fifty as the court may specify.

(2) Where an accused person pleds aguilty and remits the sum specified in the summons under sub-section, (1) no further proceedings in respect of the offence shall be taken against him.

130. Prosecution for offences under other enactments not affected.—Subject to the provisions contained in section 300 of the Code of Criminal Procedure 1973, (2 of 1974) nothing in this Ordinance shall be construed to prevent any person from being prosecuted and punished under any other law for any thing made punishable by this Ordinance or from being prosecuted and punished under this Ordinance for anything made punishable under any other law.

131. Offences by companies.— (1) Where an offence under this Ordinance has been committed by a company, every person who at the time of the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Oridinance, if he proves that the offance was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemeisd to be guilty of that offence and shall be liable to be Proceeded against and punished accordingly.

Explanation.—For the purposes of this section:—

(a) "company" means a body corporate, and includes a firm or other association of individnals; and

(b) "director", in relation to a firm, means a partner in the firm.

CHAPTER XI

MISCELLANEOUS

132. **Disposal of fees, rewards, etc.**—All fees paid for licences or permissions granted under this Ordinance, and all sums paid for the service of processes by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers shall, save in so far as any such fees or sums belong under the provisions of any, enactment for the time being in force to any local authority be credited to the Government:

Provided that with the sanction of the Administrator or under any rule made by the Administrator in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a police officer or be divided amongst two or more police officers.

133. **Method of proving orders and notifications.**—Any order or notification published or issued by the Administrator or by the Commissioner of Police or any other police officer under any provision of this Ordinance, and the due publication or issue thereof may be proved by the production of a copy thereof in the Official Gazette, or of a copy thereof signed by the Administrator or Commissioner of Police or other police officer, as the case may be, and by him certified to be a true copy of an original published or issued according to the provisions of this Ordinance applicable thereto.

134. **Rules, regulations or order not invalidated by defect of form or irregularity in procedure.**—No rule, regulation, order, direction, adjudication, inquiry or notification made or published and no act done under any provision of this Ordinance or any rule or regulation made under this Ordinance, or in substantial conformity with the same, shall be deemed illgeal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure.

135. **Presumption in prosecutions for contravention of order made under section 46-47 or 48.**—Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of an order made under section 46, section 47 or section 48 on the production of an authentic copy of the order, it shall, until the contrary is proved by the accused, be presumed.—

(a) that the order was made by the authority competent under this Ordinance to make it;

(b) that the authority making the order was satisfied that the grounds on, or the purpose for, which it was made existed, and that it was necessary to make the same; and

(c) that the order was otherwise valid and in conformity with the provisions of this Ordinance.

136. **Officers holding charges of, or succeeding to, vacancies competent to exercise powers.**— Whenever in consequence of the office of the Commissioner of Police, Additional Commissioner of Police or any other police officer becoming vacant, any officer holds charge of the post of such Commissioner of police. Additional Commissioner of Police or other police officer or succeeds, either temporarily or permanently, to that post, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by or under this Ordinance on the Commissioner of Policeor on such Additional Commissioner of Police or other police officer, as the case may be.

137 **Forfeiture of bond entered into by person under sub-section (1) of section 54.** If any person permitted to enter or return to the area fromwhich he was directed to remove himself under sub-section (1) of section 54, fails to observe any condition imposed under that sub-section or by the bond executed by him thereunder, his bond shall be forfeited and any person bound thereby shall pay the penalty thereofor show cause to the satisfaction of the court why such penalty should not be paid.

138. **No police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.** No police officer shall be liable to any penalty or to paymentof any damages on account of an act done in good faith in pursuance of or purported to be done in pursuance of any duty imposed or any authority conferred on him by any provision of this Ordinance or any other law for the time being in force or any rule, regulation, order or direction made or given thereunder.

139. **No public servant liable as aforesaid for giving effect in good faith to any rule, regulation, order or direction issued with apparent authority.**—No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to—

(a) any order or direction issued with apparent authority by the Administrator or by a person empowered in that behalf under this Ordinance; or

(b) any rule or regulation made under this Ordinance.

Explanation.—In this section, the expression "public servant" has the meaning assigned to it in section 21 of the Indian Penal Code. (4 of 1860)

140. **Bar to suits and prosecutions.**—( ) In any case of alleged offence by a police officer or other person, or of a wrong alleged to

have been done by such police officer or other person, by any act done under colour of duty or authority or in excess of any such duty or authority, or wherein it shall appear to the court that the offence or wrong if committed or done was of the character aforesid, the prosecution or suit not be entertained and if entertained shall be dismissed if is it instituted, more than three months after the date of the act complained of:

Provided that any such prosecution against a police officer or other person may be entertained by the court, if instituted with the previous sanction of the Administrator, within one year from the date of the offence.

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall give to the alleged wrongdoer not less than one month's notice of the intended suit with sufficient description of the wrong complained of, and if no such notice has been given before the institution of the suit, it shall be dismissed.

(3) The plaint set forth that a notice as aforesaid has been served on the defendant and the date of such service and shall state whether any, and if what tender of amends has been made by the defendant and a copy ot the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

141. **Licences and written permissions to specify conditions, etc., and to be signed.**—(1) Any licence or written permission granted under the provisions of this Ordinance shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority.

(2) Any licence or written permission granted under this Ordinance may at any time be suspended or revoked by the competent authority if any of its conditions or restriction are infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence with respect to any matter to which such licence or permission relates.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the persons to whom the same was granted shall, for all purposes of this Ordinance, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) Every person to whom any such licence or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same, if so required by a police officer.

Explanation.—For the purposes of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion or or, as the case may be, conviction of, the person to whom such licence or written permission has been granted.

142. **Public notices how to be given.**—Any public notice require to be given, or order required to be notified publicly under any of the provisions of this Ordinance shall be in writing, under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums or by advertising, the same in such local newspapers in Hindi, Urdu or English, as the competent authority may deemfit, or by any two or more of these means and by any other means it may think suitable.

143. **Consent, etc., of a competent authority may be proved by writing under its signature.**—Whenever under this Ordinance, the doing or the omittingto do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the competent authority a written document signed by the competent authority, purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

144. **Signature on notices, etc., may be stamped.**—Every licence, written permission, notice or other document, not being a summons or warrant or search warrant required by this Ordinance or by any rule or regulation made thereunder, to bear the signature of the Commissioner of Police, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

145. **Persons interested may seek to annul, reverse or alter any rule or order.**—(1)In the case of any rule or order made by the Administrator under an authority conferred by this Ordinance and requiring the public or a particular class of person to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent for any person interested to apply to the Administrator by a memorial to annul, reverse, or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the Administrator, it shall be competent for the person interested and deeming the rule or order to be contrary to law to institute a suit in the principal civil court of original jurisdiction against the Admini-

strator for a declaration that the rule or order is unlawful either wholly or in part.

(3) Where in any suit instituted under sub-section (2) or on appeal therefrom the court adjudges a rule or order to be unlawful, the rule or order shall be annulled or so altered as to make it conformable to law.

146. **Powers of Commissioner of Police under other Acts.**—(1) The Commissioner of Police shall exercise all powers and discharge all functions which may be exercised or discharged by a District Magistrate under the Acts mentioned in Schedule I including the rules made thereunder.

(2) The Commissioner of Police, may authorise any Additional Commissioner of Police, Deputy Commissioner of Police or Additional Deputy Commissioner of Police to exercise any of the powers or discharge any of the functions of the Commissioner of Police mentioned in sub-section (1) in accordance with the general or special orders of the Administrator.

(3) The powers and functions of a District Magistrate under the Sarais Act, 1867, (**22 of 1867**) shall be exercised and discharged by the Administrator or such officer as the Administrator may, by notification in the Administrator or such officer as the Administrator may by, notification in the Official Gazette, authorise in this behalf.

147. **Power to make rules.**—(1) The Administrator may make rules for carrying out thepurposes of this Ordinance.

(2) In particular and without prejudice to the generality of the oregoing power, such rules may provide for—

(*a*) awarding of punishment to any police officer of subordinate rank, under section 21;

(*b*) payment to any police officer or division among two or more police officers the whole or any portion of any reward, forfeiture or penalty, under the proviso to section 132;

(*c*) any other matter which has to be, or may be, prescribed or provided for by rules, under this Ordinance.

148. **Notification of rules and regulations in the Official Gazette and laying of rules and regulations.** (1) Every rule and regulation made under this Ordinance shall be made by notification in the Official Gazette.

(2) Every rule and regulation made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive essions, and if, before the expiry of the session immediately following she session or the successive sessions aforesaid, both Houses agree

in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(3) Every rule and regulation made under this Ordinance shall also be laid before the Metropolitan Council of Delhi.

149. Repeal and saving.—(1) On the commencement of this Ordinance the enactments specified in Schedule II shall case to be in force in Delhi:

Provided that—

(*i*) all rules and standing orders made (including the Punjab Police Rules, as in force in Delhi), appointments made, powers conferred orders made or passed, directions and certificates issued, consens, permit, permission or licence given, summons of warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bonds forfeited and penalties incurred under any such enactment shall, in so far as they are consistent with this Ordinance, be deemed to have been respectively made, conferred, given, issued, served, arrested, detained discharged forfeited or incurred under this Ordinance.

(*ii*) all references in any enactment to any of the provisions of the enactments so ceasing to be in force shall, in relation to Delhi, be construed as references to the corresponding provisions of this Ordinance.

(2) The cesser of operation under sub-section (1) of an enactment specified in Schedule II shall not affect—

(*a*) the validity, invalidity, effect or consequence of anything done or suffered to be done thereunder before commencement of this Ordinance;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred thereunder before such commencement;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act thereunder before such commencement;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(*e*) any legal proceeding thereunder pending in any court or before any officer immediately before such commencement or anything done or suffered to be done in the course of such proceedings, and any such proceeding or any appeal or revisional proceedings arising out of uch proceeding shall, save as otherwise expressly provided in section

150 be instituted, continued or disposed of, as the case may be, as if this Ordinance had not been promulgated.

150. Police force functioning in Delhi immediately before the commencement of this Ordinance to be deemed to be police force constituted under this Ordinance.—Without prejudice to the provisions, contained in section 149,—

(*a*) the police force functioning in Delhi immediately before the commencement of this Ordinance (hereafter in this section referred to as the existing police force) shall, on such commencement, be deemed to be police force constituted under this Ordinance and every member of the existing police force holding the office mentioned in colnmn (1) of Schedule III, immediately before such commencement, shall be deemed to be appointed, on such commencement, to the office mentioned in the corresponding entry in column (2) of that Schedule.

(*b*) all proceedings (including proceedings by way of investigations) pending before any police officer of the existing police force, immediately before the commencement of this Ordinance shall on such commencement be deemed to be proceedings pending before him in his capacity as the holder of the office to which he is deemed to be appointed under clause (*a*) and shall be dealt with accordingly;

(*c*) where any power or function which may be exercised or discharged under any law by a District Magistrate or Executive Magistrate immediately before the commencement of this Ordinance has been conferred on the Commissioner of Police or any other police officer by or under this Ordinance, all proceedings in relation to or arising from the exercise of such power or the discharge of such function pending immediately before such conferment before the District Magistrate, or the Executive Magistrate, as the case may be, shall, on the conferment of such power or function on the Commissioner of Police or other police officer, stand transferred to the commissioner of police or other police officer, as the case may be and the officer to whom such proceeding stand so transferred shall either proceed *de novo* or from the stage of such transfer.

151. Power to remove difficulties—(1) If any difficulty arises in giving effect to the provisions of this Ordinance in consequence of the transition to the said provisions from the provisions of the eanactments mentioned in Schedule II, the Central Government may, by notification in the Official Gazette make such provisions as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such notification shall be issued after the expiry of two years from the commencement of this Ordinance.

(2) Every notification issued under this section shall, as soon os may be after it is issued, be laid before each House of Parliament.

SCHEDULE I

[*See* Section 146 (1)]

PART I

CENTRAL ACTS

1. The Press and Registration of Books Act, 1867.
2. The Indian Explosives Act, 1884.
3. The Indian Lunacy Act, 1912.
4. The Poisons Act, 1919.
5. The Police (Incitement to Disaffection) Act, 1922.
6. The Cinematograph Act, 1952.
7. The Supperession of Immoral Traffic in Women and Girls Act, 1956.
8. The Arms Act, 1959.
9. The Prevention of Cruelty to Animals Act, 1960.

PART II

DELHI ACTS AND ACTS EXTENDED TO DELHI

1. The Madras Restriction of Habitual Offenders Act, 1948, as in force in Delhi.
2. The Punjab Security of State Act, 1953, as in force in Delhi.
3. The Madras Dramatic Performances Act, 1954, as in force in Delhi.
4. The Delhi Public Gambling Act, 1955.
5. The Bombay Prevention of Begging Act, 1959, as in force in Delhi.

SCHEDULE II

(*See* Section 149)

Year	No.	Short title
1861	V	The Police Act, 1861.
1872	IV	Section 40 of the Punjab Laws Act, 1872, as in force in Delhi.
	XXII	The provisions of the Bombay Police Act, 1951, as in force in Delhi.

SCHEDULE III

(*See* Section 150)

Designation of Officer in the Delhi Police	Posts to which the officers of the Delhi Police shall be deemed to be appointed
1	2
1. Inspector General of Police	Commissioner of Police.
2. Deputy Inspector General of Police.	Additional Commissioner of Police.
3. Superintendent of Police	Deputy Commissioner of Police.
4. Additional Superintendent of Police.	Additional Deputy Commissioner of Police.
5. Assistant Inspector General of Police.	Deputy Commissioner of Police
6. Assistant Superintendent of Police.	Assistant Commissioner of Police
7. Deputy Superintendent of Police.	Assistant Commissioner of Police

N. SANJIVA REDDY,
President.

S. HARIHARA IYER,
Secy, to the Govt. of India.

Printed by the Director of Printing, Sty & Publn at the Govt. Press B'lore

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 47 LCA 78.
Bangalore, Dated 12th September 1978.

Ordered that the Taxation Laws (Amendment) Act, 1978 (No. 29 of 1978) published in Part II, Section 1 of the Gazette of India Extraordinary dated 7th August 78 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka.

A. NEELAKANTARYA,
Under Secretary to Government,
21 *Department of Law and Parly. Affairs.*

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 7th August, 1978/Sravana 16, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 5th August, 1978, and is hereby published for General information :—

THE TAXATION LAWS (AMENDMENT) ACT, 1978
No. 29 OF 1978

[*5th August, 1978*]

An Act further to amend the Income-tax Act, 1961 and the Wealth-tax Act, 1957

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement** :—(1) This Act may be called the Taxation Laws (Amendment) Act, 1978.

(2) It shall come into force on the 1st day of April 1979.

2. **Amendment of Act 43 of 1961.**—In the Income-tax Act, 1961,—

(a) in Chapter III, after section 13, the following shall be inserted, namely :—

Special provision relating to incomes of political parties.— 13. any income of a political party which is chargeable under the head

"Interest on securities", "In come from house property" or "Income from other sources" or any income by way of voluntary contributions received by a political party from any person shall not be included in the total income of the previous year of such political party:

Provided that—

(a) such political party keeps and maintains such books of account and other documents as would enable the Income-tax Officer to properly deduce its income therefrom ;

(b) in respect of each such voluntary contribution in excess of ten thousand rupees, such political party keeps and maintains a record of such contribution and the name and address of the person who had made such contribution ; and

(c) the accounts of such political party audited by an accountant as defined in the *Explanation* below sub-section (2) of section 288.

Explanation.—For the purposes of this section, "political party" means an association or body of individual citizens of India registered with the Election Commission of India as a political party under paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968 and includes a political party deemed to be registered with that Commission under the proviso to sub-paragraph (2) of that paragraph.';

(b) in section 37,—

(i) after sub-section (2A), the following sub-section shall be inserted, namely :—

" (2B) Notwithstanding anything contained in sub-section (1), no allowance shall be made in respect of expenditure incurred by an assessee on advertisement in any souvenir, brochure, tract, pamphlet or the like published by a political party." ;

(ii) in sub-section (3A) (as directed to be inserted by section 8 of the Finance Act, 1978) (19 of 1978),—

(1) for the words, brackets and figure "the provisions of sub-section (3)", the words brackets, figures and letter "the provisions of sub-section (2B) or sub-section (3)" shall be substituted ;

(2) in the *Explanation*, in clause (a), for the words, brackets and figure "under sub-section (3)", the words, brackets, figures and letter "under sub-section (2B), or sub-section (3), or both" shall be substituted ;

(c) In section 139, after sub-section (4A), the following sub-section shall be inserted, namely :—

"(4B) The chief executive officer (whether such cheif executive officer is known as Secretary or by any other designation) of every political party shall, if the total income in respect of which the political party is assessable (the total income purpose being computed under this Act without giving effect to the provisions of section 13A) exceeds the maximum amount which is not chargeable to income-tax furnish a return of such income of the previous year in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed and all the provisions of this Act, shall, so far as may be, apply as if it were a return required to be furnished under sub-section (1).".

3. **Amendment of Act 27 of 1957.**—In the Wealth-tax Act, 1957 in section 45, after clause (h), the following clause and *Explanation* shall be inserted, namely :—

'(i) any political party.

Explanation.—For the purposes of clause (i), "political party" shall have the meaning assigned to it in the *Explanation* to section 13A of the Income-tax Act.'.

S. HARIHARA IYER,
Secretary to Government of India.

Notification No. LAW 48 LCA 78

Bangalore, dated the 12th September 1978

Ordered that the Maintenance of Internal Security (Repeal) Act, 1978 (No. 27 of 1978) published in Part II, Section 1 of the *Gazette of India, Extraordinary* dated 3rd August 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department af Law and Parly. Affairs.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 3rd August, 1978/Sravana 12, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 3rd August, 1978, and is hereby published for general information :—

THE MAINTENANCE OF INTERNAL SECURITY (REPEAL) ACT, 1978

No. 27 OF 1978. [*3rd August, 1978*]

An Act to repeal the Maintenance of Internal Security Act, 1971.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. **Short title** :—This Act may be called the Maintenance of Internal Security (Repeal) Act, 1978.

2. **Repeal of Act 26 of 1971** :—The Maintenance of Internal Security Act, 1971, is hereby repealed.

S. HARIHARA IYER.
Secy, to the Govt. of India.

Printed by the Director of Printing Sty. & Publns. at the Govt. Press B'lore

PART

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT
Notification No. LAW 50 LCA 78
Bangalore, dated the 19th September 1978

Ordered that the Payment of Bonus (Amendment) Ordinance, 1978 (No. 3 of 1978) published in Part II, Section 1 of the Gazette of India Extraordinary dated 8th September 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
24 *Deptt. of Law and Parly. Affairs*

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
Legislative Department

New Delhi the 8th September, 1978/Bhadra 17, 1900 (Saka)

THE PAYMENT OF BONUS (AMENDMENT) ORDINANCE, 1978

No. 3 of 1978

Promulgated by the President in the Twenty-ninth year of the Republic of India.

An Ordinance to amend the Payment of Bonus (Amendment) Act, 1977

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action:

NOW THEREFORE in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1 **Short title and commencement.**—(1) This Ordinance may be called the Payment of Bonus (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2 **Act 43 of 1977 to be temporarily amended.**—During the period of operation of this Ordinance, the Payment of Bonus (Amendment) Act, 1977 (hereinafter referred to as the amendment Act) shall have effect subject to the amendment specified in section 3.

3 **Amendment of section 2.**—In section 2 of the amendment Act, after the words and figures "in respect of the accounting year commencing on any day in the year 1976", the words and figures "and in respect of the accounting year commencing on any day in the year 1977' shall be inserted.

N. SANJIVA REDDY,
President

S. HARIHARA IYER,
Secretary to the Government of India.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

GOVERNMENT OF KARNATAKA

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 46 LCA 78.

Bangalore, dated 12th September 1978.

Ordered that the Insolvency Laws (Amendment) Act, 1978 (No. 28 of 1978) published in Part II, Section 1 of the Gazette of India, Extraordinary dated 5th August 1978 be republished in *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secy. to Govt. Food and Forest Dept.
Department of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 5th August, 1978/Sravana 14, 1900 (*Saka*).

The following Act of Parliament received the assent of President on the 4th August, 1978, and is hereby published for general information :—

THE INSOLVENCY LAWS (AMENDMENT) ACT, 1978

NO. 28 OF 1978

[*4th August, 1978*]

An Act further to amend the Presidency-towns Insolvency Act, 1909 and the Provincial Insolvency Act, 1920.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Insolvency Laws (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of Act 3 of 1909.—In the Presidency-towns Insolvency Act, 1909,—

(a) section 9 (excluding the *Explanation*) shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely :—

"(2) Without prejudice to the provisions of sub-section (1), a debtor commits an act of insolvency if a creditor, who has obtained a decree or order against him for the payment of money (being a decree or order which has become final and the execution whereof has not been stayed), has served on him a notice (hereafter in this section referred to as the insolvency notice) as provided in sub-section (3) and the debtor does not comply with that notice within the period specified therein :

Provided that where a debtor makes an application under sub-section (5) for setting aside an insolvency notice—

(a) in a case where such application is allowed by the Court, he shall not be deemed to have committed an act of insolvency under this sub-section ; and

(b) in a case where such application is rejected by the Court, he shall be deemed to have committed an act of insolvency under this sub-section on the date of rejection of the application or the expiry of the period specified in the insolvency notice for its compliance, whichever is later :

Provided further that no insolvency notice shall be served on a debtor residing, whether permanently or temporarily, outside India, unless the creditor obtains the leave of the Court therefor.

(3) An insolvency notice under sub-section (2) shall—

(a) be in the prescribed form ;

(b) be served in the prescribed manner ;

(c) specify the amount due under the decree or order and require the debtor to pay the same or to furnish security for the payment of such amount to the satisfaction of the creditor or his agent ;

(d) specify for its compliance a period of not less than one month after its service on the debtor or, if it is to be served on a debtor residing, whether permanently or temporarily, outside India, such period (being not less than one month) as may be specified by the order of the Court granting leave for the service of such notice ;

(e) state the consequences of non-compliance with the notice.

(4) No insolvency notice shall be deemed to be invalid by reason only that the sum specified therein as the amount due under

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of Act 3 of 1909.—In the Presidency-towns Insolvency Act, 1909,—

(a) section 9 (excluding the *Explanation*) shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely :—

"(2) Without prejudice to the provisions of sub-section (1), a debtor commits an act of insolvency if a creditor, who has obtained a decree or order against him for the payment of money (being a decree or order which has become final and the execution whereof has not been stayed), has served on him a notice (hereafter in this section referred to as the insolvency notice) as provided in sub-section (3) and the debtor does not comply with that notice within the period specified therein :

Provided that where a debtor makes an application under sub-section (5) for setting aside an insolvency notice—

(a) in a case where such application is allowed by the Court, he shall not be deemed to have committed an act of insolvency under this sub-section ; and

(b) in a case where such application is rejected by the Court, he shall be deemed to have committed an act of insolvency under this sub-section on the date of rejection of the application or the expiry of the period specified in the insolvency notice for its compliance, whichever is later :

Provided further that no insolvency notice shall be served on a debtor residing, whether permanently or temporarily, outside India, unless the creditor obtains the leave of the Court therefor.

(3) An insolvency notice under sub-section (2) shall—

(a) be in the prescribed form;

(b) be served in the prescribed manner;

(c) specify the amount due under the decree or order and require the debtor to pay the same or to furnish security for the payment of such amount to the satisfaction of the creditor or his agent;

(d) specify for its compliance a period of not less than one month after its service on the debtor or, if it is to be served on a debtor residing, whether permanently or temporarily, outside India, such period (being not less than one month) as may be specified by the order of the Court granting leave for the service of such notice;

(e) state the consequences of non-compliance with the notice.

(4) No insolvency notice shall be deemed to be invalid by reason only that the sum specified therein as the amount due under

the decree or order exceeds the amount actually due, unless the debtor, within the period specified in the insolvency notice for its compliance, gives notice to the creditor that the sum specified in the insolvency notice does not correctly represent the amount due under the decree or order:

Provided that if the debtor does not give any such notice as aforesaid, he shall be deemed to have complied with the insolvency notice if, within the period specified therein for its compliance, he takes such steps as would have constituted a compliance with the insolvency notice had the actual amount due been correctly specified therein.

(5) Any person served with an insolvency notice may, within the period specified therein for its compliance, apply to the Court to set aside the insolvency notice on any of the following grounds, namely :—

(a) that he has a counter-claim or set-off against the creditor which is equal to or is in excess of the amount due under the decree or order and which he could not, under any law for the time being in force, prefer in the suit or proceeding in which the decree or order was passed ;

(b) that he is entitled to have the decree or order set aside under any law providing for the relief of indebtedness and that—

(i) he has made an application before the competent authority under such law for the setting aside of the decree or order; or

(ii) the time allowed for the making of such application has not expired ;

(c) that the decree or order is not executable under the provisions of any law referred to in clause (b) on the date of the application." ;

(b) in section 112, in sub-section (2), after clause (m), the following clause shall be inserted, namely :—

"(mm) the form of the insolvency notice under clause (a), and the manner in which such notice may be served under clause (b), of sub section (3) of section 9;".

3. **Amendment of Act 5 of 1920.**—In the Provincial Insolvency Act, 1920,—

(a) section 6 (excluding the *Explanation*) shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely :—

"(2) Without prejudice to the provisions of sub-section (1), a debtor commits an act of insolvency if a creditor, who has obtained a decree or order against him for the payment of money (being a decree or order which has become final and the execution whereof has not been stayed). has served on him a notice (hereafter in this section referred to as the insolvency notice) as provided in sub-section (3) and the debtor does not comply with that notice within the period specified therein:

Provided that where a debtor makes an application under sub-section (5) for setting aside an insolvency notice—

(a) in a case where such application is allowed by the District Court, he shall not be deemed to have committed an act of insolvency under this sub-section; and

(b) in a case where such application is rejected by the District Court, he shall be deemed to have committed an act of insolvency under this sub-section on the date of rejection of the application or the expiry of the period specified in the insolvency notice for its compliance, whichever is later:

Provided further that no insolvency notice shall be served on a debtor residing, whether permanently or temporarily, outside India, unless the creditor obtains the leave of the District Court therefor.

(3) An insolvency notice under sub-section (2) shall—

(a) be in the prescribed form;

(b) be served in the prescribed manner;

(c) specify the amount due under the decree or order and require the debtor to pay the same or to furnish security for the payment of such amount to the satisfaction of the creditor or his agent;

(d) specify for its compliance a period of not less than one month after its service on the debtor or, if it is to be served on a debtor residing whether permanently or temporarily, outside India, such period (being not less than one month) as may be specified by the order of the District Court granting leave for the service of such notice;

(e) state the consequences of non-compliance with the notice.

(4) No insolvency notice shall be deemed to be invalid by reason only that the sum specified therein as the amount due under the decree or order exceeds the amount actually due, unless the debtor within the period specified in the insolvency notice for its compliance gives notice to the creditor that the sum specified in the insolvency notice does not correctly represent the amount due under the decree or order:

Provided that if the debtor does not give any such notice as aforesaid, he shall be deemed to have complied with the insolvency notice if, within the period specified therein for its compliance, he takes such steps as would have constituted a compliance with the insolvency notice had the actual amount due been correctly specified therein.

(5) Any person served with an insolvency notice may, within the period specified therein for its compliance, apply to the District Court to set aside the insolvency notice on any of the following grounds, namely :—

(a) that he has a counter-claim or set-off against the creditor which is equal to or is in excess of the amount due under the decree or order and which he could not, under any law for the time being in force, prefer in the suit or proceeding in which the decree or order was passed ;

(b) that he is entitled to have the decree or order set aside under any law providing for the relief of indebtedness and that—

(i) he has made an application before the competent authority under such law for the setting aside of the decree or order ; or

(ii) the time allowed for the making of such application has not expired ;

(c) that the decree or order is not executable under the provisions of any law referred to in clause (b) on the date of the application.";

(b) in section 79, in sub-section (2), clause (a) shall be relettered as clause (aa) thereof and before clause (aa) as so relettered, the following clause shall be inserted, namely :—

"(a) the form of the insolvency notice under clause (a), and the manner in which such notice may be served under clause (b), of sub-section (3) of section 6 ;".

S. HARIHARA IYER,

Secretary to the Govt of India

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 49 LCA 78.

Bangalore, dated 12th September, 1978.

Ordered that the Customs Tariff (Amendment) (Act, 1978, No. 26 of 1978), published in Part II, Section 1 of the *Gazette of India*, Extraordinary dated 2nd August, 1978 be republished in the *Karnataka Gazette*, for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,

Under Secretary to Government,
Department of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 2nd August 1978/*Sravana* 11, 1900 (*Saka*).

The following Act of Parliament received the assent of the President on the 1st August, 1978, and is hereby published for general information:—

THE CUSTOMS TARIFF (AMENDMENT) ACT, 1978

No. 26 OF 1978

[*1st August*, 1978.]

An Act further to amend the Customs Tariff Act, 1975.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement**.—(1) This Act may be called the Customs Tariff (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

2. **Amendment of section 4.**—In section 4 of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the principal Act).

(a) in sub-section (1), for the words " the produce or manufacture of the United Kingdom or of such other preferential area ", the words "the produce or manufacture of such preferential area" shall be substituted ;

(b) in sub-section (2), for the words " the produce or manufacture of the United Kingdom or of such any other preferntial area ", the words " the produce or manufacture of any preferential area ", shall be substituted ;

(c) in sub-section (3), for the words "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland and "other preferential area" ', the words ' "preferential area" ' shall be substituted.

3. **Amendment of section 7.**—In section 7 of the principal Act, in sub-section (1), for the word, brackets and figure "column (6)", the word, brackets and figure "column (5)" shall be substituted.

4 **Amendment of the First Schedule.**—The First Schedule to the principal Act shall be amended in the manner specified in the Schedule

THE SCHEDULE

(*See* section 4)

PART I

In the First Schedule to the principal Act,—

(A) in the Rules for the interpretation,—

(i) in rule 3, for clause (c), the following clause shall be substituted, namely:—

"(c) When goods cannot be classified by reference to (a) or (b), they shall be classified under the Heading which occurs latest among those which equally merit consideration.";

(ii) under the heading "*General Explanatory Note*", the words brackets and figure "or column (5)" shall be omitted;

(B) in each Chapter,—

(i) column (4) and the sub-heading "U.K." occurring above that column shall be omitted;

(ii) columns (5) and (6) shall be renumbered respectively as columns (4) and (5);

(iii) for the sub-heading "Other Preferential Areas" occurring above column (4), as so renumbered, the sub-heading "Preferential Areas" shall be substituted;

(C) (1) in Chapter 4, for Note 1, the following Note shall be substituted, namely:—

'1. The expression "milk" means full cream or skimmed milk, butter milk, whey, curdled milk, kephir, yoghourt and other fermented or acidified milk.';

(2) in Heading No. 09.04/10, in column (2), for the words and brackets "Spices (including mixed spices)", the words and brackets "Spices (including mixed spices, thyme, saffron and bay leaves)" shall be substituted;

(3) in Chapter 10, for the Note, the following Note shall be substituted, namely:—

"This Chapter only covers those grains which have been neither hulled nor otherwise worked. However, rice, husked, milled, polished, glazed, parboiled, converted or broken remains classified in this Chapter.";

(4) in Heading No. 11.02, in column (2), for the words "except husked, glazed polished or broken rice", the words and figures "except rice falling within Chapter 10" shall be substituted;

(5) in Chapter,—

(i) in Note 2, after the words "seeds of vetches", the brackets and words "(other than those of the species *Vicia Faba*)" shall be inserted;

(ii) in Note 3, in item (d), for the word "weed-killers". the word "herbicides" shall be substituted;

(6) in Heading No. 12.04/06, in column (2), for the words "chicory roots, fresh or dried, whole or cut, unroasted; hops", the words "hop cones and lupulin" shall be substituted;

(7) in Heading No. 12.07, in column (2),—

(i) in the opening paragraph, the word ", betel nuts" shall be omitted;

(ii) Sub-heading No. (3) and the entries relating thereto shall be omitted;

(8) in Heading No. 12.08, in column (2), for the words "Locust beans", the words "Chicory roots, fresh or dried, whole or cut, unroasted; locust beans" shall be substituted;

(9) in Chapter 13, for the title "*Lacs; gumsresins and other vegetable saps extracts*" shall be substituted;

(10) Heading No. 13.01 and the entries relating thereto shall be omitted;

(11) for Heading No. "13.02" in column (1), the Heading No. "13.01/02" shall be substituted;

(12) in Chapter 14, in the title, the words "*and carving*" shall be omitted;

(13) in Chapter 15,—

(i) in Note 1, for item (b), the following item shall be substituted, namely:—

"(b) cocoa butter (fat or oil) (Chapter 18);";

(ii) in Note 2, for the word "drugs", the word "dregs" shall be substituted,

(14) in Heading No. 15.08/13, in column (2),—

(i) for the words "animal or vegetable oils", the words "animal or vegetable oils and fats" shall be substituted;

(ii) the word "degras," shall be omitted;

(iii) for the words "animal fats", the words "edible fats" shall be substituted;

(15) in Heading No. 15.14/17, in column (2), after the words "not coloured;", the word "degras;". shall be inserted;

(16) in Heading No. 16.01/05, in column (2), for the words "Prepared or preserved meat", the words "Sausages and the like, of meat, meat offal or animal blood; other prepared or preserved meat" shall be substituted;

(17) in Heading No. 17.02, for the entry in column (2), the entry " Other sugars in solid form including glucose and lactose; sugar syrups, not containing added flavauring or colouring matter; artifical honey, whether or not mixed with natural honey; caramel" shall be substituted;

(18) in Heading No. 17.04/05, in column (2), the words ";flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion" shall be omitted;

(19) in Heading No. 18.01/06, in column (2), for the words "cocoa butter", the words and brackets "cocoa butter (fat or oil)" shall be substituted;

(20) in Heading No. 19.01/08, in column (2), for the words "ordinary and fine bakers' wares", the words "communion wafers, cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products; ordinary and fine bakers' wares" shall be substituted;

(21) in Chapter, 21, in Note 1—

(i) in item (c), the word "or" occurring at the end shall be omitted.

(ii) in item (d), the word "or" shall be inserted at the end;

(iii) after item (d), as so amended, the following item shall be inserted, namely :—

"(e) Prepared enzymes (Chapter 35).";

(22) in Chapter 25,—

(i) in Note 2, for item (g), the following item shall be substituted, namely :—

"(g) cultured crystals (other than optical elements) weighing not less than two and a half grams each, of sodium chloride or of magnesium oxide, of Chapter 38; optical elements of sodium chloride or of magnesium oxide (Heading No. 90.01); or";

(ii) in Note 3,—

(a) for item (e), the following item shall be substituted, namely :—

"(e) natural magnesium carbonate (magnesite); fused magnesia; dead-burnied (sintered) magnesia, whether or not containing small quantities of other oxides added before sintering; other magnesium oxide, whether or not chemically pure;";

(b) in item (k), after the words "after moulding", the words ";natural micaceous iron oxides; jet" shall be inserted:

(23) in Chapter 28,—

(i) in Note 1, in the opening paragraph, for the words "Except where their context or these Notes otherwise require", the words "Except where the context or these Notes otherwise requires or require" shall be substituted;

(ii) in Note 2, item (a),—

(a) in sub-item (xii), the word "and" occurring at the end shall be omitted;

(b) after sub-item (xiii), the following sub-items shall be inserted, namely:—

"(xiv) phosphides, carbides, hydrides, nitrides, azides, silicides and borides, whether or not chemically defined;

(xv) phosphorus pentoxide and phosphoric acids;
(xvi) red lead and orange lead ;
(xvii) polysulphides;
(xviii) commercial ammonium carbonate containing ammonium carbamate; and
(xix) commercial sodium and potassium silicates.";

(iii) in Note 3,—

(a) for item (a), the following item shall be substituted, namely :—

"(a) sodium chloride and magnesium oxide, whether or not chemically pure, and other products falling within Section V;";

(b) in item (e), the words "of magnesium oxide or" shall be omited;

(c) in item (f), after the words "and precious metals", the words "and precious metal alloys" shall be inserted;

(d) in item (g), after the words "chemically pure", the words "and metal alloys" shall be inserted;

(e) in item (h), the words "of magnesium oxide or" shall be omitted ;

(24) in Heading No. 28.01/58, in Sub-heading No. (13), in column (2), after the words "Magnesium compounds", the brackets and words "(other than magnesium oxide, whether or not chemically pure)" shall be inserted ;

(25) in Chapter 29,—

(i) in Note 1,—

(a) in item (c), sub-item (ii) shall be omitted and sub-items (iii) to (vii) shall be renumbered respectively as sub-items (ii) to (vi) ;

(b) for item (h), the following item shall be substituted, namely :—

"(h) the following products, diluted to standard strengths, for the production of azo dyes: diazonium salts, couplers used for these salts and diazotisable amines and their salts.";

(ii) in Note 3,—

(a) after item (f), the following item shall be inserted, namely

"(g) enzymes (Chapter 35);";

(b) existing item (g) shall be relettered as item (h);

(c) existing item (h) shall be relettered as item (ij);

(d) existing item (ij) shall be relettered as item (k);

(26) in Heading No. 29.01/45, in column (2), in the opening paragraph, the word "enzymes," shall be omitted;

(27) in Chapter 32, for Note 2, the following Note shall be substituted, namely:—

"2. Heading No. 32.04/12 is to be taken to include mixtures of stabilised diazonium salts and couplers for the production of azo dyes.";

(28) in Heading No. 32.04/12, in column (2), for the words "prepared pigments", the words "prepared pigments and prepared opacifiers" shall be substituted;

(29) in Chapter 35,—

(i) for the title, the following title shall be substituted, namely:—

"*Albuminoidal substances; glues; enzymes*";

(ii) for Note 1, the following Note shall be substituted, namely:—

"1. This Chapter does not cover:

(a) yeasts (Chapter 21);

(b) medicaments (Heading No. 30.03);

(c) enzymatic preparations for pre-tanning (Heading No. 32.01/03);

(d) enzymatic soaking or washing preparations and other products of Chapter 34; or.

(e) gelatin products of the printing industry (Chapter 49).";

(iii) after Note 2, the following Note shall be inserted, namely:—

"3. This Chapter also covers products suitable for use as glues put up for sale by retail as glues in packages not exceeding a net weight of 1 kilogram.";

(30) for Heading No. "35.01/06" in column (1), the Heading No. "35.01/07" shall be substituted, and in Heading No. 35.01/07, as so amended, in column (2), for the words "glues not elsewhere specified or included" the words "enzymes; prepared enzymes and glues not elsewhere specified or included" shall be substituted;

(31) In Chapter 36, in Note 2, for the words '"Other combustible products" applies only to the following articles', the words

"The expression "articles of combustible meterials" in this Chapter is to be taken to apply only to" shall be substituted;

(32) in Heading No. 36.01/08, in in column (2),—

(i) for the words "Explosives including detonators and blasting fuses", the words "Explosives including percussion and detonating caps; igniters; detonators; detonating and safety fuses" shall be substituted;

(ii) for the words "other combustible products", the words "articles of combustible materials" shall be substituted;

(33) in Chapter 38, in Note 1, in item (a), in sub-item (2),—

(i) for the word "weed-killers", the word "herbicides" shall be substituted;

(ii) after the word "rat-poisons", the words ",plant-growth regulators" shall be inserted;

(34) in Chapter 39, in Note 1, in item (g), for the words "riding-crops, fans or parts thereof", the words "riding-crops or parts thereof" shall be substituted;

(35) in Heading No. 40.05/16, in column (2), after the words "vulcanised or hardened, not elsewhere specified;", the words "vulcanised rubber thread and cord, whether or not textile covered, and textile thread covered or impregnated with vulcanised rubber;" shall be inserted;

(36) in Chapter 44,—

(i) in Note 1, in item (b), for the brackets, words, letters and figures "(Heading No. 13.01)", the brackets, word and figures "(Chapter 14)" shall be substituted;

(ii) in Note 3, for the words "descriptions of plywood", the words "descriptions of fibre building board, plywood" shall be substituted;

(37) in Heading No. 48.01/21, in column (2), the words "building board of wood pulp or vegetable fibre whether or not bonded with natural or artificial resins or similar binders;" shall be omitted;

(38) in Section XI,—

(i) in Note 2, for paragraphs (A) and (B), the following paragraphs shall be substituted, namely:—

"(A) Goods classifiable in any Heading in Chapters 50 to 57 and of a mixture of two or more textile materials are to be classified as if consisting wholly of that one textile material which predominates in weight over any other single textile material.

(B) For the purposes of the above rule:

(a) metallised yarn is to be treated as a single textile material and its weight is to be taken as the aggregate of the weight of the textile and metal components; for the classification of woven fabrics, metal thread is to be regarded as a textile material;

(b) where a Heading refers to goods of different textile materials [for example: (i) silk and waste silk, (ii) carded sheep's orr lambs' whool and combed sheep's or lambs' wool], such materials are to be treated as a single textile material.";

(ii) after Note 5, the following Note shall be inserted, namely:—

"6. The woven fabrics of Chapters 50 to 57 are to be taken to include fabrics consisting of layers of parallel textile yarns superimposed on each other at acute or right angles. These layers are bonded at the intersections of the yarns by an adhesive or by thermal bonding.";

(39) in Heading No. 50.09/10, for Sub-heading No (2) in column (2), the following sub-heading shall be substituted, namely:—

"(2) Fabrics, not elsewhere specified";

(40) in Heading No. 57.05/08 in column (2), the words "of hemps," shall be omited;

(41) in Heading No. 57.09/12, in column (2), the words "of hemp," shall be omitted;

(42) in Chapter 59,—

(i) Note 1 shall be lettered as paragraph (A) of that Note and after paragraph (A) as so lettered, the following paragraph shall be inserted, namely:—

'(B) Throughout this Schedule, the term "felt" is to be taken to include fabrics consisting of a web of textile fibres the cohesion of which has been enhanced by a stitch-bonding process using fibres from the web itself.';

(ii) in Note 4, in item (a), in sub-item (iv), for the words " felts, whether or not ", the words " fabrics, whether or not felted," shall be substituted;

(43) in Chapter 60, after Note 4, the following Note shall be inserted, namely :—

"5. Throught this Schedule, any reference to knitted goods shall be taken to include a reference to stitch-bonded goods in which the chain stitches are formed of textile yarn. ";

(44) in Section XII, in the title the word "; FANS" shall be ommitted;

(45) in Heading No. 66.01/03, in column (2), for the words "walking-sticks and the like", the words "walking-sticks, canes, whips, riding-crops and the like" shall be substituted;

(46) in Chapter 67,—

(i) in the title the words "; *fans*" shall be omitted;

(ii) in the Note, in item (e), the words "feather dusters," shall be omitted;

(47) in Heading No. 67.01/05, in column (2),—

(i) after the words "wigs and the like, and animal hair", the words "and other textile materials" shall be inserted;

(ii) the words and brackets; "fans (non-mechanical)" shall be omitted;

(48) in chapter 68, in the Note, in item (k), after the word and figures "Chapter 95", the words, figures, brackets and letter "if made of materials specified in Note 2(b) to Chapter 95" shall be inserted;

(49) in Chapter 71,—

(i) in Note 2,—

(a) item (ij) shall be omitted;

b) item (k) shall be relettered as item (ij);

(c) items (l) to (q) shall be relettered respectively as items (k) to (p);

(ii) in Note 4, in the opening paragraph, after the words "sintered mixture", the words "and an intermetallic compound" shall be inserted;

(50) in Section XV,—

(i) in Note 1, in item (d), for the words "walking-sticks and the like", the words "walking-sticks, canes, whips, riding-crops and the like" shall be substituted;

(ii) for Note 3, the following Note shall be substituted, namely:—

"3. Classification of alloys (other than ferro-alloys and master alloys as defined in Chapters 73 and 74):

(a) an alloy of base metals is to be classified as an alloy of the metal which predominates by weight over each of the other metals;

(b) an alloy composed of base metals of this Section and of elements not falling within this Section is to be treated as an alloy of base metals of this Section if the total weight of such metals equals or exceeds the total weight of the other elements present;

(c) in this section, the term "alloys" is to be taken to include sintered mixtures of metel powders, heterogeneous intimate mixtures obtained by melting (other than cerments) and intermetallic compounds.";

(51) in Heading No. 74.09/19, in column (2), for the words "Other articles of copper", the words 'Other articles of copper including nails, tacks, staples, hook-nails, spiked cramps, studs, spikes and drawing pins of iron or steel with heads of copper" shall be substituted;

(52) in Chapter 76, in Note 1, in item (c), for the figures and word "0.15 milimetre", the figures and word "0.20 millimeter" shall be substituted;

(53) in Heading No. 81.01/04 in column (2), for the words "other based metals, wrought or unwrought", the words "other base metals and cermets, wrought or unwrought" shall be substituted;

(54) in Section XVI, in Note 1 —

(i) in item (a), after the words "electrical appliances", the words "or for other industrial purposes" shall be inserted;

(ii) in item (b), for the words "for industrial purposes", the words "for other industrial purposes" shall be substituted;

(55) in Heading No. 84.04/05, in column (2), for the words "steam and other vapour power units, not incorporating boilers", the words "steam or other vapour power units, whether or not incorporating boilers" shall be substituted;

(56) in Heading No. 84.59, in Sub-heading No. (2), in column (2), the words ",such as oil, soap or edible fats, artificial plastics, rubber or other similar products, electric wires and cables, ropes, baskets and brushes, cigars and cigarettes," shall be omitted;

(57) in Heading No. 85.11, in column (2), for the words "electric welding, brazing and soldering machines and apparatus and similar electric machines and apparatus for cutting", the words "electric or laser-operated welding, brazing, soldering or cutting machines and apparatus" shall be substituted;

(58) in Heading No. 85-18/27, in column (2),—

(i) in the opening paragraph.—

(a) the words "and electrically ignited photographic flash bulbs" shall be omited;

(b) after the words "semi-conductor devices;", the words "light emitting diodes;" shall be inserted;

(ii) in Sub-heading No. (4), the words ";electrically ignited photographic flash bulbs" shall be omited;

(59) in Heading No. 87.09/12, in column (2) —

(i) in the opening paragraph, for the words and brackets "invalid carriages fitted with means of mechanical propulsion motorised or not)", the words "; invalid carriages, whether or not motorised or otherwise mechanically propelled", shall be substituted;

(ii) for Sub-heading No. (3), the following Sub-heading shall be substituted, namely:—

"(3) Invalid carriages, whether or not motorised or otherwise mechanically propelled, and parts and accessories thereof";

(60) for Heading No. 87.13/14 and the entry in column (2), the following shall be substituted, namely:—

"87.13/14 Other vehicles (including trailers and baby carriages), not mechanically propelled and parts thereof";

(61) in Heading No. 89.01/03, in column (2), after the words "floating docks", the words ";floating or submersible drilling or production platforms" shall be inserted;

(62) in Section XVIII, in the title, for the words "SOUND RECORDERS AND REPRODUCERS, TELEVISION IMAGE AND SOUND RECORDERS AND REPRODUCERS, MAGNETIC" the words "SOUND RECORDERS OR REPRODUCERS; TELEVISION IMAGE AND SOUND RECORDERS OR REPRODUCERS" shall be substituted;

(63) in Heading No. 90.07, in column (2), after the words "flash-light apparatus", the words and figures "and flash bulbs other than discharge lamps of Heading No. 85.18/27" shall be inserted;

(64) in Heading No. 90.13, in column (2), after the words "this Chapter", the words "; lasers, other than laser diodes" shall be inserted;

(65) in Chapter 92, in the title, for the words *"sound recorders and reproducers; television image and sound recorders and reproducers, magnetic", the words "sound recorders or reproducers; television image and sound recorders or reproducers"* shall be substituted;

(66) in Heading No. 92.01/13, in column (2), for the words "records and reproducers, magnetic", the words "records or reproducers" shall be substituted;

(67) in Chapter 95,—

(i) for the word "NOTE", the word "NOTES" shall be substituted;

(ii) the existing Note shall be numbered as Note 1, and in Note 1 as so numbered,—

(a) item (b) shall be omitted;

(b) items (c) to (ij) shall be be relettered respectively as items (b) to (h);

(c) item (k) shall be relettered as item (ij);

(d) items (l) to (n) shall be relettered respectively as items (k) to (m);

(iii) after Note 1 as so numbered; the following Note shall be inserted, namely:—

'2. In this Capter, the expression "vegetable or mineral carving meterial" is to be taken to apply to;

(a) hard seeds, pips, hulls and nuts and similar vegetable materials of a kind used for carving (for example, corozo and dom);

(b) jet (and mineral substitutes for jet). amber, meerschaum, agglomerated amber and agglomerated meerschaum.';

(68) in Heading No. 95.01/08, for the words "worked unhardened gelatin", the words "worked vegetable or mineral carving material and worked unhardened gelatin" shall be substituted;

(69) in Chapter 96, in the title, the words *"feather dusters,"* shall be omitted;

(70) in Heading No. 96.01/06 in column (2), the words 'feather dusters;" shall be omitted;

(71) in Heading No. 98.12/14, in column (2), the words "corset busks and similar supports for articles of apparel or clothing accessories;" shall be omitted;

PART II

Heading No.	Sub-heading No. and description of article	Rate of duty		Duration when rates of duty are protective
		Standard	Preferential Areas	
(1)	(2)	(3)	(4)	(5)

In the First Schedule to the principal Act,—

(i) in Heading No 08.01/13, after Sub-heading No. (5), the following Sub-heading shall be inserted, namely:—

"08.01/13	(6) Betel-nuts	Rs. 3.07 per kilogram	Rs. 3.00 per kilogram	

(ii) for Heading No. 14.01/05, the following Heading shall be substituted, namely:—

"14.01/05	Vegetable materials of a kind used primarily for plaiting, stuffing or in brushes or in brooms; vegetable products not elsewhere specified or included:			—

1	2	3	4	5
	(1) Not elsewhere specified	60%	...	...
	(2) Raw vegetable materials of a kind used primarilly in dyeing or in tanning	40%	...	... ";

(iii) for Heading No. 17.01, the following Heading shall be substituted, namely :

1	2	3	4	5
"17.01	Beet Sugar and Cane Sugar, in solid form :			
	(1) Not elsewhere specified	60%	...	...
	(2) Flavoured or coloured	100%	..	... ";

(iv) for Heading No. 17.03, the following Heading shall be substituted, namely:—

1	2	3	4	5
917.03	Molasses :			
	(1) Not elsewhere specified	60%	...	...
	(2) Flavoured or coloured	100%	...	... ";

(v) after Heading No. 27.14/16, the following Heading shall be inserted, namely :—

1	2	3	4	5
"27.17	Electric current.	Free	...	... ";

(vi) for Heading Nos. 32.01 and 32.02/03, the following Heading shall be substituted, namely :—

1	2	3	4	5
"32.01/03	Tanning extracts of vegetable origin, tanning (tannic acids) and their derivatives, synthetic organic tanning substances and inorganic tanning substances; tanning preparations, whether or not containing natural tanning materials; Enzymatic preparations for pre-tanning (for example, of enzymatic, pancreatic or bacterial origin) :			
	(1) Not elsewhere specified	60%	...	...
	(2) Gambier	60%	50%	...
	(3) Mineral tanning and tanning extracts of vegetable orgin other than Gambier.	40%	...	... ";

(vii) for Heading No. 39.01/06, the following Heading shall be substituted, namely :—

(1)	(2)	(3)	(4)	(5)
"39.01/06	Condensation, polycondensation and polyaddition products, whether or not modified or polymerised, and whether or not linear (for example phenoplasts, aminoplasts, alkyds, polyallyl esters and other unsaturated polyesters, silicones) ; polymerisation and copolymerisation products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, coumaroneindene resins); regenerated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose, plasticised or not (for example, collodions, celluloid) ; vulcanised fibre ; hardened proteins (for example. hardened casein and hardened gelatin); natural resins modified by fusion (run gums) ; artificial resins obtained by estrification of natural resins or of resinic acids (ester gums) ; chemical derivatives of natural rubber (for example,			

1	2	3	4	5
	chlorinated rubber, rubber hydrochloride, oxidised rubber, cyclised rubber); other high polymers, artificial resins and artificial plastic materials, including alginic acid, its salts and esters; linoxyn.	100%		..

(viii) for Heading No. 44.01/28, the following Heading shall be substituted, namely :—

"44.01/28	Wood in the rough, fuel wood, woodwaste and wood charcoal; wood flour and wood wool; sawn and dressed timber; veneered wood, plywood, cellular wood, improved wood and reconstituted wood; fibre, building board of wood or other vegetable material whether or not bonded with natural or artificial resins or with other organic binders; spools, bobbins and the like of turned wood; articles of wood, not elsewhere specified :			
	(1) Not elsewhere specified	60%		
	(2) Fibre building board of wood or other vegetable material, whether or not bonded with natural or artificial resins or with other organic binders	100%	—	... ";

(ix) for Heading Nos. 50.03/07 and 50.08, the following Heading shall be substituted, namely :—

"50.03/08	Silk waste (including cocoons unsuitable for reeling, silk noils and			

1	2	3	4	5
	pulled or garnetted rags); silk yarn ; silk worm gut and imitation catgut of silk :			
	(1) Not elsewhere specified	50% + Rs. 8.80 per kilogram		December 31st 1979.
	*(2) Silk worm gut and imitation catgut of silk.	100%	...	... ".

S. HARIHARA IYER,

Secy. to the Govt. of India.

Printed by the Director of Printing, Sty. & Publns, at the Govt. Press B'lore

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PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 53 LCA 78

Bangalore, dated the 28th September 1978

Ordered that the Passports (Amendment) Act, 1978 (No. 31 of 1978) published in Part II, Section 1 of the Gazette of India, Extraordinary dated 18th August, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 18th August, 1978/Sravana 27, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 18th August, 1978, and is hereby published for general information :—

THE PASSPORTS (AMENDMENT) ACT, 1978

No. 31 OF 1978

[*18th August, 1978*]

An Act to amend the Passports Act, 1967.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India follows :—

1. **Short title** :—This Act may be called the Passports (Amendment) Act, 1978.

2. **Amendment of Section 5** : - In section 5 of the Passports Act, 1967 (15 of 1967) (hereinafter referred to as the principal Act),—

(a) for sub-section (1), the following sub-sections shall be substituted, namely :—

'(1) An application for the issue of a passport under this Act for visiting such foreign country or countries (not being a named foreign country) as may be specified in the application may be made to the passport authority and shall be accompanied by a fee of rupees fifty.

Explanation :—In this section, "named foreign country" means such foreign country as the Central Government may, by rules made under this Act, specify in this behalf.

(1A) An application for the issue of.—

(i) a passport under this Act for visiting a named foreign country; or

(ii) a travel document under this Act, for visiting such foreign country or countries (including a named foreign country) as may be specified in the application or for an endorsement on the passport or travel document referred to in this section,

may be made to the passport authority and shall be accompanied by such fee (if any) not exceeding rupees fifty, as may be prescribed.

(1B) Every application under this section shall be in such form and contain such particulars as may be prescribed ;

(b) in sub-section (2), in the opening paragraph, after the words "an application", the words "under this section" shall be inserted.

3. **Amendment of section 13**:—In section 13 of the principal Act, in sub-section (2), for the words and figures "section 61 of the Code of Criminal Procedure, 1898, (5 of 1898)" the words and figures "section 57 of the Code of Criminal Procedure, 1973 2 of 1974;" shall be substituted.

4. **Amendment of section 14**.—In section 14 of the principal Act, in sub-section (2). for the words and figures "Code of Criminal Procedure, 1898, (5 of 1898)" the words and figures "Code of Criminal Procedure, 1973 (2 of 1974)". shall be substituted.

5. **Amendment of section 23**.-In section 23 of the principal Act,

(a) the words, and figures "the Foreign Exchange Regulation Act, 1947 7 of 1947." shall be omitted ;

(b) after the words; brackets and figures "the Foreigners Law (Application and Amendment) Act, 1962, (42 of 1962)". the words and figures "the Foreign Exchange Regulation Act, 1973 (46 of 1973)" shall be inserted.

6. **Amendment of section 24**.—In section 24 of the principal Act

(a) in sub-section (2),—

(i) after clause (*e*), the following clause shall be inserted namely :—

"(*ee*) specifying the foreign country for the purposes of the Explanation to sub-section (1) of section 5; ",

(ii) in clause (f), for the words "issue or renewal of a passport" the words, brackets, figures and letter "issue or renewal of a passport for visiting a forein country referred to in sub-section (1A) of section 5" shall be substituted;

(b) in sub-section (3), for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions and if, before the expiry of the session immediatly following the session or the successive sessions aforesaid" shall be substituted.

7. **Transitional provision**.—Where any application for the issue or renewal of a passport is made to the passport authority on or after the date of introduction of the Passports (Amendment) Bill, 1978 in Parliament but before the date on which the Bill as passed by the Houses of Parliament receives the assent of the President, the applicant shall be required as from the commencement of this Act to pay in respect of such application the difference between the fee payable under section 5 of the principal Act, as amended by this Act and the amount already paid by him towards fee under the said section as it stood immediately before such amendment.

S. HARIHARA IYER,
Secry. to the Government of India

Notification No. LAW 57 LCA 78.

Bangalore, dated 5th October 1978.

Ordered that the Tobacco Board (Amendment) Act, 1978 (No. 36 of 1978) published in Part II, Section 1 of the *Gazette of India* Extraordinary dated 30th August 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Depat. of Law and Parly. Affairs.

Assented to on 30th August 1978 Act No. 36 of 1978.

THE TOBACCO BOARD (AMENDMENT) ACT, 1978

An
Act

to amend the Tobacco Board Act, 1975

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1 **Short Title** :—This Act may be called the Tobacco Board (Amendment) Act, 1978.

2. **Amendment of section 4** ;—In section 4 of the Tobacco Board Act, 1975 (4 of 1975), (hereinafter referred to as the principal Act),

(a) for sub section (3), the following sub-section shall be substituted, namely :—

"(3) The head office of the Board shall be at Guntur in the State of Andhra Pradesh and the Board may, with the previous approval of the Central Government, establish offices or agencies at other places in or outside India".

(b) in sub-section (4),—

(A) in clause (c),—

(i) for the word "seven", the word "eight" shall be substituted ;

(ii) in sub-clause (vi), the word "and" occurring at the end shall be omitted ;

(iii) after sub-clause (vi), the following sub-clause shall be inserted, namely :—

"(via) the Government of Gujarat ; and" ;

(B) in clause (d), for the words "other than the States of Andhra Pradesh and Karnataka", the words "other than the States of Andhra Pradesh, Gujarat and Karnataka" shall be substituted.

2. **Amendment of the section 8** :—In section 8 of the principal Act, in sub-section (2), after clause (c), the following clause shall be inserted, namely :—

"(cc) establishment by the Board of auction platforms, with the previous approval of the Central Government, for the sale of virginia tobacco by registered growers or curers, and functioning of the Board as an auctioneer at auction platforms established by or registered with it subject to such conditions as may be specified by the Central Government".

4 **Amendment of section 13** :—In section 13 of the principal Act, the words "or established by the Board under this Act" shall be inserted at the end.

5 **Insertion of new section 14A** :—After section 14 the principal Act, the following section shall be inserted namely :—

"14A **Power to levy fees** :—(1) Where virginia tobacco is sold at any auction platform established by the Board under this Act, it shall be competent for the Board or for any officer of the Board authorised by it in this behalf to levy fees, for the services rendered by the Board in relation to such sale, at such rate not exceeding two per cent of the value of such tobacco as the Central Government may from time to time, by notification in the Official Gazette, specify.

(2) The fees levied under sub-section (1) shall be collected by the Board or such officer, equally from the seller of the virginia tobacco and the purchaser of such tobacco, in such manner as may be prescribed."

6 **Amendment of section 32** :—In section 32 of the principal Act, in sub-section (2), after clause (h), the following clause shall be inserted, namely :—

"(hh) the manner of collection of fees under sub-section (2) of section 14A".

7 **Amendment of Act 26 of 1975** :—In the Tobacco Cess Act, 1975—(a) in section 2, in sub-section (1),—

(i) clauses (a) and (b) shall be re-lettered as clauses (b) and (c) respectively and before clause (b) as so re-lettered, the following clause shall be inserted, namely:—

'(a) "auction platform" means an auction platform registered with the Board in accordance with the rules made under the Tobacco Board Act, 1975 (4 of 1975) or established by the Board under that Act ;' ;

(ii) clause (c) shall be omitted ;

(b) in section 3, for the words "a registered auction platform" wherever they occur, the words "an auction platfrom" shall be substituted.

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PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 55 LCA 78.
Bangalore, dated the 7th October 1978.

Ordered that the Metro Railways (Construction of Works) Act, 1978 (No. 33 of 1978) published in Part II Section 1 of the Gazette of India Extraordinary, dated 21st August 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

Asstented to on 21st August 1978 *Act No.* 33 *of* 1978.

THE METRO RAILWAYS (CONSTRUCTION OF WORKS) ACT, 1978.

Arrangement of Sections

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THE METRO RAILWAYS (CONSTRUCTION OF WORKS) ACT, 1978.

AN

ACT

to provide for the construction of works relating to metro railways in the metropolitan cities and for matters connected therewith.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, commencement and application.*—(1) This Act may be called the Metro Railways (Construciton of Works) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(3) It applies in the first instance to the metropolitan city of Calcutta ; and the Central Government may, by notification in the Official Gazette, declare that this Act shall also apply to such other metropolitan city and with effect from such date as may be specified in that notification and thereupon the provisions of this Act shall apply to that city accordingly.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires.—

(*a*) "Advisory Board" means the Advisory Board constituted under section 4 ;

(*b*) "arbitrator" means the arbitrator appointed under section 16 ;

(*c*) "building" means a house, outhouse, stable, latrine, urinal, shed, hut or wall or any other structure or erection, whether of masonry bricks, wood, mud, metal or any other material or any part of a building, but does not include a plant or machinery installed in a building or any part thereof or any portable shelter ;

(*d*) "commissioner" means a commissioner of metro railway appointed under section 27 ;

(*e*) "competent authority" means any person or authority authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification ;

(*f*) "development" with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land or planting of any tree on land and includes redevelopment ;

(*g*) "land" includes any right or interest in land ;

(*h*) "metro alignment", in relation to any metropolitan city, means such alignment of the metro railway as is specified in the Schedule under that city and includes the metro railway ;

(*i*) "metro railway" means a metro railway or any portion thereof for the public carriage of passengers, animals or goods and includes.—

(*a*) all land within the boundary marks indicating the limits of the land appurtenant to a metro railway,

(*b*) all lines of rails, sidings, yards or branches worked over for the purposes of, or in connection with, a metro railway,

(*c*) all stations, offices, ventilation shafts and ducts, warehouses, workshops, manufactories, fixed plants and machineries, sheds, depots and other works constructed for the purpose of, or in connection with a metro railway;

(*j*) "metro railway administration", in relation to any metro railway, means the General Manager of that metro railway;

(*k*) "metropolitan city" means the metropolitan city of Bombay, Calcutta, Delhi or Madras;

(*l*) "metropolitan city of Bombay" means the area covered by Greater Bombay as defined in the Bombay Municipal Corporation Act 1888, (Bombay Act III of 1888).

(*m*) "metropolitan city of Calcutta" means the area described under the heading "1. Calcutta Metropolitan District" in the Schedule to the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act 1965, (West Bengal Act XIV of 1965);

(*n*) "metropolitan city of Delhi" means the entire area of the Union territory of Delhi;

(*o*) "metropoliton city of Madras" means the area covered by the City of Madras as defined in the Madras City Municipal Act (Act IV), 1919;

(*p*) "prescribed means prescribed by rules made under this Act;

(*q*) "rolling stock" includes locmotives, engines, carriages (whether powered or not), wagons, trollies and vehicles of all kinds moving or intended to move on rails;

(*r*) "to erect", in relation to any building, includes—

(*i*) any material alteration or enlargement of such building,

(*ii*) conversion, by structural alteration, into a place for human habitation of such building not originally constructed for human habitation.

(*iii*) conversion, into more than one place for human habitation of such building originally constructed as one such place,

(*iv*) conversion of two or more places of human habitation in such building into a greater number of such places,

(v) such alteration of such building as would alter the drainage or sanitary arrangements therein or would materially affect its security, and

(*vi*) the addition of any rooms in such building.

(2) All other words and expressions used herein and not defined but defined in the Indian Railways Act 1890, (9 of 1890), shall have the meanings, respectively, assigned to them in that Act.

CHAPTER II

Metro railway administration

3. *General Manager.*—The Central Government may, for the purposes of this Act, appoint a General Manager for every metro railway.

4. *Constitution of Advisory Board.*—(1) The Central Government may constitute an Advisory Board for every metro railway for the purpose of assisting or advising that Government on—

(*a*) the formulation and co-ordination of plans for the development of metro railway and its expansion ;

(*b*) the financing and execution of any project for the construction of the metro railway ;

(*c*) such other matters as may be referred to it for carrying out the purposes of this Act and in particular for the purpose of ensuring that the functions of the metro railway administration are exercised with due regard to the circumstances or conditions prevailing in, and requirements of, the metropolitan city.

(2) The Advisory Board shall consist of such number of members (being officers of the Government) not exceeding nine as may be appointed to it by the Central Government.

(3) The Central Government shall appoint one of the members of the Advisory Board as its Chairman.

(4) The Central Government shall publish in the Official Gazette the names of all the members of the Advisory Board and the Chairman thereof.

(5) The Advisory Board shall meet at such times and places and shall observe such procedure in regard to the transaction of its business as may be prescribed.

(6) The members of the Advisory Board shall hold office for such term as may be prescribed.

5. *Committees.*—(1) The Advisory Board may constitute as many committees as it deems necessary consisting wholly of members of such Board or wholly of other persons or partly of members of the Board and partly of other persons for such purposes as it may think fit.

(2) Every committee constituted under sub-section (1) shall meet at such times and places and shall observe such procedure in regard to the transaction of its business as may be prescribed.

(3) There shall be paid to the members of the committee who are not members of the Advisory Board, such fees and allowances for attendance at the meetings of the committee and such travelling allowances as may be prescribed.

CHAPTER III

ACQUISITION

6. *Power to acquire land, etc.*—Where it appears to a metro railway administration that for the construction of any metro railway or any other work connected therewith—

(*a*) any land, building, street road or passage, or (*b*) any right of user, or any right in the nature of easement, therein,

is required for such construction or work, it shall apply to the Central Government in such form as may be prescribed for acquiring such land, building, street, road or passage or such right of user or easement.

7. *Publication of notification for acquisition.*—(1) On receipt of an application under section 6, the Central Government, after being satisfied that the requirement mentioned therein is for a public purpose, may, by notification in the Official Gazette, declare its intention to acquire the land, building, street, road or passage, or the right of user, or the right in the nature of easement, therein referred to in the application.

(2) Every notification under sub-section (1) shall give a brief description of the land, building, street, road or passage.

(3) The competent authority shall cause the substance of the notification to be published in such places and in such manner as may be prescribed.

8. *Power to enter for survey, etc.*—On the issue of a notification under sub-section (1) of section 7, it shall be lawful for the metro railway administration or any officer or other employee of the metro railway—

(*a*) to enter upon and survey and take level of the land, building street, road or passage specified in the notification ;

(*b*) to dig or bore into the sub-soil ;

(*c*) to set out the intended work ;

(*d*) to mark such levels, boundaries or lines by placing marks and cutting trenches ;

(e) to do all other acts necessary to ascertain whether the metro railway can be laid upon or under the land, building street, road or passage, as the case may be:

Provided that while exercising any power under this section the metro railway administration or such officer or other employee shall cause as little damage or injury as possible to such land, building, street road or passage, as the case may be.

9. *Hearing of objection.*—(1) Any person interested in the land, building, street, road or passage may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 7 object to the construction of the metro railway or any other work connected threwith upon or under the land, building, street, road or passage, as the case may be.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.—For the purposes of this sub-section "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates, Act, 1961, (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

10. *Declaration of acquisition.*—(1) Where no objection under sub-section (1) of section 9 has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land, building, street, road or passage, or the right of user, or the right in the nature of easement, therein for laying the metro railway should be acquired.

(2) On the publication of the declaration under sub-section (1), the land, building, street, road or passage, or the right of user, or the right in the nature of easement, therein shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, building, street, road or passage, notification has been published under sub-section (1) of section 7 either for its acquisition or for the acquisition of the right of user, or any right in the nature of easement, therein, but no declaration under this section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

11. *Power to take possession of acquired land, etc.*—(1) Subject to the provisions of section 14, where any land, building, street, road or passage has vested under sub-section (2) of section 10, the competent authority may by notice in writing direct the owner as well as any other person who may be in possession of such land, building, street, road or passage surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within sixty days of the service of the notice.

(2) If any person refuses or fails to comply with any direction made under sub-section (1), the competent authority shall apply,—

(*a*) in the case of any land, building, street, road or passage situated in any area falling within the Presidency-town of Bombay, Calcutta or Madras, to the Commissioner of Police;

(*b*) in the case of any land, building, street, road or passage situated in any area other than the area referred to in clause (*a*), to the Executive Magistrate,

and such Commissioner or Magistrate, as the case may be, shall enforce the surrender of the land, building, street, road or passage to the competent authority or to the person duly authorised by it.

12. *Right to enter into the land where right of user, etc., is vested in the Central Government.*—Where the right of user in, or any right in the nature of easement on, any land, building, street, road or passage has vested in the Central Government

under section 10, it shall be lawful for the metro railway administration or any officer or other employee of the Central Government to enter and do any other act necesary upon the land, building, street, road or passage for carrying out the construction of the metro railway or any other work connected therewith.

13. *Determination of amount payable for acquisition*.—(1) Where any land, building, street, road or passage is acquired under this Act, there shall be paid an amount which shall be determined by the competent authority.

(2) Where the right of user in, or any right in the nature of an easement on, any land, building, street, road or passage is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land, building, street, road or passage has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent, of the amount determined under sub-section (1) for that land, building, street, road or passage.

(3) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties the amount shall, on an application by either of the parties, to the arbitrator, be determined by the arbitrator.

(4) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (3), as the case may be, shall take into consideration—

(*a*) the market value of the land, building, street, road or passage on the date of publication of the notification under section 7;

(*b*) the damage, if any, sustained by the person interested at the time of taking possession of land, by reason of the severing of such land from other land;

(*c*) the damage, if any, sustained by the person interested at the time of taking possession of the land, building, street, road or passage by reason of the acquisition injuriously affecting his other immovable property in any other manner, or his earnings;

(*d*) if, in consequence of the acquisition of the land, building, street, road or passage, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

14. *Deposit and payment of amount.*—(1) The amount determined by the competent authority under section 13 shall be deposited by the Central Government in such manner as may be prescribed with the competent authority before taking possession of the land, building, street, road or passage.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land, buildng, street, road or passage is situated.

(5) Where the amount determined under section 13 by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at six per cent, per annum on such excess amount from the date of taking possession under section 11 till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government in such manner as may be prescribed with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

15. *Competent authority to have certain powers of civil court.*—The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure (5 of 1908), 1908, in respect of the following matters, namely;—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) reception of evidence on affidavits,

(*d*) requisitioning any public record from any court or office;

(e) issuing commission for examination of witnesses.

16. *Arbitrator.*—(1) For every metro railway the Central Government shall, for the purposes of this Act, appoint as arbitrator a person who is, or has been, or is qualified for appointment as, a Judge of a High Court.

(2) The arbitrator may, if he thinks it expedient so to do, call in his aid one or more assessors and hear the references wholly or partially with the aid of such assessors.

(3) Subject to the proivsions of this section the provisions of the Arbitration Act (10 of 1940), 1940, shall apply to every arbitration under this Act.

17. *Land Acquisition Act 1 of 1894 not to apply.*—Nothing in the Land Acquisition Act, 1894, shall apply to an acquisition under this Act.

CHAPTER IV

Construction of works

18. *Functions of metro railway administration.*—Subject to the control of the Central Government, the metro railway administration shall, for the purpose of constructing any metro railway or any other work connected therewith,—

(*a*) make or construct in, upon, across, under or over any lands, buildings, streets, roads, railway or tramways or any rivers, canals, brooks, streams or other waters or any drains water-pipes, gas-pipes, electric lines or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, ways or passages as the metro railway administration thinks proper;

(*b*) alter the course of any rivers, canals, brooks, streams or water-courses for the purpose of constructing tunnels, passages or other works over or under them and divert or alter as well temporarily as permanently, the course of any rivers, canals, brooks, streams or water-courses, or any drains, water-pipes, gas-pipes, electric lines or telegraph lines or raise or sink the level thereof in order the more conveniently to carry them over or under, as the metro railway administration thinks proper;

(*c*) make drains or conduits into, through or under, any lands adjoining the metro railway for the purpose of conveying water from or to the metro railway;

(*d*) erect or construct such houses, warehouses, offices and other buildings and such yards, stations, engines, machinery, apparatus and other works and conveniences, as the metro railway administration thinks proper;

(*e*) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them, and substitute others in their stead;

(*f*) draw, make or conduct such maps, plans, surveys or tests, as the metro railway administration thinks proper;

(*g*) do all other acts necessary for making, maintaining, altering or repairing and using the metro railway.

19. *Powers of metro railway administration.*—(1) The metro railway administration shall, for the purpose of constructing any metro railway or any other work connected therewith, have power—

(*a*) to enter into contracts and leases and to execute all instruments necessary therefor;

(*b*) to make such number of rail tracks as the Central Government may think necessary upon, under, along or across any land, canal, river, street or road on or in the metro alignment and all other works and conveniences in connection therewith;

(*c*) to open or divert, as the case may be, any street, road, cable, trench, drain (including a sewer), channel, ditch, culvert or any other device (whether for carrying of sullage, sewage, offensive matter, polluted water, trade effluent, rain water subsoil water or any other object), electric or gas supply line or tele-communication line, or telegraph installation, over across or under any land, building, street, road, railway or tramway;

(*d*) to burrow tunnels;

(*e*) to lay down signalling and other communication facilities, electric sub-stations, supply lines and other works;

(*f*) to regulate drilling of tubewells or sinking of wells, public or private, in the proximate vicinity of the metro alignment;

(*g*) to do all other things necessary or expedient for the exercise of any of the aforesaid powers.

(2) While exercising any powers under sub-section (1), the metro railway administration shall take such precautionary measures as are necesary, shall do as little damage as possible and shall be liable only for the damage or cost actually suffered or incurred by any person as a result of the exercise of such powers.

20. *Development over metro alignment.*—(1) Any person who proposes to develop any land or building along or on the metro alignment shall, before commencing such development and without in any way limiting his obligation under any other Act to obtain any approval or consent, submit to the metro railway administration details of the proposed development and shall comply with any conditions imposed by the metro railway administration in respect thereof.

(2) The metro railway administraiton shall, while imposing any condition under sub-section (1), have regard to—

(*a*) the safety of the metro railway;

(*b*) such other matters as may be prescribed.

21. *Power to prohibit or regulate construction of buildings and excavation.*—(1) If the Central Government is of opinion that it is necessary or expedient so to do for facilitating the construction of any metro railway or for ensuring the safety of any metro railway, it may, by notification in the Official Gazette,—

(*a*) direct that no building or any such development as may be specified in the notification shall be constructed or made above the metro alignment or an any land within such distance, not exceeding ten metres on either side of the metro alignment, as may be specified in the notification and where there is any building on such land also direct the owner of, or the person having control over, such building to demolish such building or to make such additions or alterations to such building as may be specified in the notification or to desist from making any such development and within such period as may be specified in the notification ;

(*b*) direct temporary evacuation of all persons together with any movable property or animal that may be in the custody, control or possession of such persons from any building situated above the metro alignment or in any area within a distance not exceeding twenty metres on either side of such alignment and within such period as may be specified in the notification :

Provided that before issuing any notification under this clause, the Central Government shall provide every such person temporarily with alternative accommodation, which in its opinion is suitable, free of cost, or an amount, which in its opinion is sufficient, to procure a temporary alternative accommodation.

(2) Where any property is needed or likely to be needed for providing any alternative accommodation under the proviso to clause (*b*) of sub-section (1), such property shall be deemed to be needed for a public purpose under section 3 of the Requisitioning and Acquisition of Immovable property Act 1952, (30 of 1952), and the competent authority under that Act shall requisition the property in accordance with the provisions of that Act

and such provisions shall, in relation to such requisition, apply accordingly.

(3) In specifying the distance under clause (a) of sub-section (1), the Central Government shall have regard to—

(a) the nature and the requirement of the metro railway;

(b) the safety of the building;

(c) such other matters as may be prescribed.

(4) Where any notification has been issued under sub-section (1) directing the owner or the person having control over any building to demolish such building or to make additions or alterations to such building or to desist from making any development specified in such notification, a copy of the notification containing such direction shall be served on the owner of, or the person having control over, such building, as the case may be,—

(i) by delivering or tendering it to such owner or person;

(ii) if it cannot be delivered or tendered, by delivering or tendering it to the agent of such owner or person or any adult male member of the family of such owner or person or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain; or failing service by these means;

(iii) by post.

(5) Every person shall be bound to comply with any direction contained in any notification issued under sub-section (1).

22. *Payment of amount for prohibition of construction, etc.*—(1) If in consequence of any direction contained in any notification issued under sub-section (1) of section 21 any person sustains any loss or damage, such person shall be paid an amount which shall be determined by the competent authority in the first instance.

(2) If the amount determined by the competent authority is not acceptable to either of the parties, the amount shall, on an application by either of the parties to the arbitrator, be determined by the arbitrator.

(3) The competent authority or the arbitrator, while determining the amount under sub-section (1) or sub-section (2), as the case may be, shall take into consideration—

(*i*) the loss or damage sustained by such person in his earnings;

(*ii*) the diminuation, if any, of the market value of the land or building immediately after the date of publication of such notification;

(*iii*) where in pursuance of any direction any building has been demolished or any additions or alterations to such building have been made or any development has been desisted by such person, the damage sustained by him in consequence of such demolition or the making of such additions or alterations or the desisting from making such development and the expenses incurred by such person for such demolition or additions or alterations:

Provided that the expenses incured for such demolition or additions or alterations shall not be taken into consideration if such demolition or additions or alterations has or have been done by the metro railway administration under sub-section (2) of section 36;

(*iv*) if any such person is compelled to change his residence or place or busines the reasonable expenses, if any, that may have to be incurred by him incidental to such change.

23. *Power to underpin building or otherwise strengthen it.*—(1) If the metro railway administration is of opinion that it is necessary or expedient so to do for facilitating the construction of any metro railway or for ensuring the safety of any metro railway, it may, underpin or otherwise strengthen any building within such radius not exceeding fifty metres from the metro alignment.

(2) The metro railway administration shall give to the owner or occupier of such building at least ten days notice in writing before undertaking the work of underpinning or otherwise strengthening the building:

Provided that where the metro railway administration is satisfied that an emergency exists, no such notice shall be necessary.

(3) Where the underpinning or strengthening mas execeted in connection with—

(*a*) the carrying out of the works upon the land where any building is situated, or

(*b*) the construction or operation of any metro railway,

the metro railway administration may, at any time after the underpinning or strengthening of such building is completed and before the expiration of a period of twelve months,—

(*i*) in a case referred to in clause (*a*), from the completion of such works; and

(*ii*) in a case referred to in clause (*b*), from the date on which traffic was opened in the metro railway,

enter upon and survey such building and do such further underpinning or strengthening thereon as it may deem necessary.

24. *Power to enter, etc.*—(1) With a view to making survey, or to ascertaining the nature or condition, of any land or building for the purpose of construction of any metro railway or any other work connected therewith, the metro railway administration or any person authorised by that administration may, at any reasonable hour in the day time and after giving reasonable notice to the owner or occupier of such land or building, enter upon or into such land or building in, along over or near the metro alignment to—

(*a*) inspect the same;

(*b*) make measurements and drawings and take photographs thereof and such other suitable measures as may be necessary to explore and check up, by digging trial pits or otherwise, the foundation of any building in the vicinity of the metro alignment;

(c) take such other measures as the said administration deems necessary and proper.

(2) Without prejudice to the powers conferred on it under section 19, the metro railway administration may, by writing, request any person or body of persons controlling any sewer, storm water drain, pipe, wire or capable to carry out at the expense of the metro railway administration any alterations thereto which that administration is authorised or may be required to carry out to meet any particular situation for carrying out the purposes of this Act.

(3) If any difference or dispute arises between the metro railway administration and the person or body of persons referred to in sub-section (2) in relation to any such alterations or the cost thereof, such difference or dispute shall be determined by the Central Government in consultation (wherever necessary) with the State Government and the decision of the Central Government in this regard shall not be called in question in any court.

25. *Amount payable for damage, loss or injury.*—(1) Where the metro railway administration exercises any power conferred on it by or under this Act and in consequence thereof any damage, loss or injury is sustained by any person interested in any land, building, street, road or passage, the metro railway administration shall be liable to pay to such person for such damage, loss or injury such amount as may be determined by the competent authority.

(2) If the amount determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount payable shall, on application by either of the parties to the arbitrator, be determined by the arbitrator.

(3) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (2), as the case may be, shall have due regard to the damage, loss or injury sustained by any person interested in the land, building, street, road or passage by reason of—

(i) the removal of trees or standing crops, if any ;

(*ii*) the temporary severance of the land, building, street road or passage;

(*iii*) any injury to any other property whether movable or immovable.

26. *Right to cliam for damages.*—No claim in respect of any damage, loss or injury alleged to have been caused as a consequence of construction of any metro railway or any other work connected therewith under this Act shall lie against the metro railway administration unless such claim is made within a period of twelve months from the date of completion of the construction of such metro railway or other work in the area in which such damage, loss or injury is caused.

CHAPTER V

Inspection of metro railway

27. *Appointment and duties of commissioner.*—(1) The Central Government may appoint as many persons as it thinks fit by name or by virtue of their office to be commissioners of metro railway.

(2) Every commissioner shall—

(*a*) inspect the metro railway with a view to determining whether it is fit to be opened for public carriage of passengers and report thereon to the Central Government;

(*b*) make such periodical or other inspections of any metro railway or of any rolling stock used thereon as the Central Government may direct;

(*c*) perform such other duties as may be imposed on him by or under this Act or any other enactment for the time being in force relating to railways or required by the Central Government.

28. *Powers of commissioners.*—Subject to the control of the Central Government every commissioner shall have the power—

(*a*) to enter upon and inspect any metro railway or any rolling stock used thereon;

(*b*) to make any enquiry or to take any measurement as he thinks fit for the performance of his duties under this Act;

(c) by an order in writing under his hand and official seal addressed to any metro railway administration, to require the attendance before him of any officer or other employee of the metro railway and to require answers or returns, to such enquiries as he thinks fit to make, from such officer or other employee or from the said administration ;

(d) to require the production of any book or other documents belonging to, or in the possession or control of, any metro railway administration which it appears to him to be necessary to inspect for the performance of his duties by or under this Act.

29. *Facilities to be afforded to commissioner.*—Every metro railway administration shall afford to every commissioner all reasonable facilities for performing the duties or exercising the powers imposed or conferred upon him by or under this Act.

CHAPTER VI

Miscellaneous

30. *Surplus land to be sold or otherwise disposed of.*—Every metro railway administration may, with the previous approval of the Central Government, sell or otherwise dispose of any land vested in the Central Government under the provisions of this Act when such land is no longer required for the purposes of the metro railway.

31. *Notice of accidents and enquiries.*—(1) If any accidents occurs during the construction of any metro railway or at any stage subsequent thereto as a consequence of such construction and the accident results in, or is likely to have resulted in, loss of human being or animal or damage to any property, it shall be the duty of the metro railway administration to give notice to the Central Government of the occurrence of any such loss or damage in such form and within such time as may be prescribed.

(2) On receipt of a notice under sub-section (1), the Central Government may, if it thinks fit, appoint a commission to enquire into the accident and report as to—

(a) the cause of such accident ;

(*b*) the manner in which and the extent to which the provisions of this Act or any other Act for the time being in force in so far as those provisions regulate and govern the safety of any person, animal or property, have been complied with.

(3) The commission appointed under sub-section (2), while holding an enquiry, shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, (5 of 1908) in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery or production of any document ;

(*c*) reception of evidence on affidavits ;

(*d*) requisitioning any public record from any court or office ;

(*e*) issuing commission for examination of witnesses.

32. *Power to alter the entries in the Schedule.*—(1) The Central Government may, by notification in the Official Gazette,—

(*a*) add to the Schedule the metro alignment in respect of a metropolitan city to which this Act is made applicable under sub-section (3) of section 1 ;

(*b*) alter any metro alignment specified in the Schedule if it is of opinion that such alteration is necessary for the construction and maintenance of the metro railway to which such alignment relates.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each House of Parliament.

33. *Prohibition of obstruction.*—No person shall, without any reasonable cause or excuse, obstruct any person with whom the metro railway administration has entered into a contract, in the performance or execution by such person of such contract.

34. *Local authorities to assist.*—Every local authority shall render such help and assistance and furnish such information to

the metro railway administration as that administration may require for discharging its functions and shall make available to the said administration for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of such functions.

35. *Prohibition of removal of marks.*—No person shall remove any marks placed or fill up any trench cut for the purpose of marking levels, boundaries or lines by the metro railway administration.

36. *Penalty for failure to comply with directions issued under section* 21.—(1) If any person wilfully fails to comply with any direction contained in any notification issued under section 21, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Without prejudice to the provisions of sub-section (1), if any person fails to demolish any building or make additions or alterations thereto in pursuance of any direction contained in any notification issued under section 21 within the period specified in the notification, then, subject to such rules as the Central Government may make in this behalf, it shall be competent for any officer authorised by the metro railway administration in this behalf to demolish such building or make necessary additions or alterations thereto.

37. *General provision for punishment of offences.*—Whoever contravenes any provision of this Act or of any rule made thereunder shall, if no other penalty is provided for such contravention elsewhere in this Act or the rules, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

38. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) " company " means any body corporate and includes a firm or other association of individuals; and

(*b*) " director ", in relation to a firm, means a partner in the firm.

39. *Bar of jurisdiction*.—No suit or application for injunction shall lie in any court against the Central Government or the metro railway administration or any officer or other employee of that Government or the metro railway or any person working for or on behalf of the metro railway administration, in respect of any work done or purported to have been done or intended to be done by it or the said administration or such officer or other employee or such person in connection with the construction of any metro railway or any other work connected therewith.

40. *Effect of Act and rules, etc., inconsistent with other enactments*.—The provisions of this Act or any rule made or any notification issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

41. *Protection of action taken in good faith*.— (1) No suit, prosecution or other legal proceeding shall lie against the Central

Government, the metro railway administration or any officer or other employee of that Government or the metro railway for anything which is in good faith done or intended to be done under this Act.

(2) No suit, prosecution or other legal proceeding shall lie against the Central Government or the metro railway administration or any officer or other employee of that Government or the metro railway for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

42. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that no such order shall, in relation to any metropolitan city, be made after the expiry of a period of two years from the date on which this Act applies or is made applicable to such metropolitan city under sub-section (3) of section 1.

43. *Application of the Indian Railways Act,* 1890.—Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, the Indian Railways Act, 1890 (9 of 1890).

44. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely :—

(a) the times and places at which the Advisory Board shall meet and the procedure in regard to transaction of business by the Advisory Board under sub-section (5) of section 4;

(b) the term of office of the members of the Advisory Board under sub-section (6) of section 4;

(*c*) the times and places at which the committees shall meet and the procedure in regard to transaction of business by the committees under sub-section (2) of section 5;

(*d*) the payment of fees, allowances and travelling allowances to the members of the committee under sub-section (3) of section 5;

(*e*) the form in which an application for acquisition shall be made under section 6;

(*f*) the places at which and the manner in which the substance of the notification shall be published under sub-section (3) of section 7;

(*g*) the manner in which the amount shall be deposited with the competent authority under sub-sections (1) and (6) of section 14;

(h) the matters to be specified under clause (*b*) of sub-section (2) of section 20;

(i) the matters to be specified under clause (*c*) of sub-section (3) of section 21;

(*j*) the form in which and the time within which a notice shall be given under sub-section (1) of section 31;

(*k*) any other matter which is required to be or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

45. *Saving.*—Notwithstanding anything contained in this Act any proceeding, for the acquisition of any land, under the

Land Acquisition Act, 1894 (1 of 1894), for the purpose of any metro railway, pending immediately before the commencement of this Act before any court or other authority shall be continued and be disposed of under that Act as if this Act had not come into force.

Notification No. LAW 60 LCA 78

Bangalore, dated the 16th October 1978.

Ordered that the Additional Duties of Excise (Textiles and Textile Articles) Ordinance, 1978 (No. 4 of 1978) published in Part II, Section 1 of the *Gazette of India*, Extra-ordinary dated 3rd October. 1978 be republished in the *Karnataka Gazette*. for general information.

By Order and in the name of the Governor of Karnataka.

A. NEELAKANTARYA,
Under Secretary to Government,
31 *Deptt. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 3rd October, 1978/Asvija 11, 1900 (Saka)

THE ADDITIONAL DUTIES OF EXCISE (TEXTILES AND TEXTILE ARTICLES) ORDINANCE, 1978

No. 4 OF 1978

Promulgated by the President in the Twenty-ninth Year of the Republic of India.

An Ordinance to provide for the levy and collection of additional duties of excise on certain textiles and textile articles.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. **Short title and commencement** :—(1) This Ordinance may be called the Additional Duties of Excise (Textiles and Textile Articles) Ordinance, 1978.

THE SCHEDULE

(*See* section 2(*h*) and sub-section (1) of section 32) Metropolitan City of Calcutta

METRO ALIGNMENT

(2) It shall come into force on the 4th day of October, 1978.

2. **Definitions**:—In this Ordinance, "cotton fabrics", "silk fabrics", "woollen fabrics", "man-made fabrics" and "wool tops" shall have the meanings respectively assigned to them in Items Nos. 19, 20, 21, 22 and 43 of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944).

3. **Levy and collection of additional duties of excise on certain textiles and textile articles.**—(1) When goods of the description mentioned in the Scheddle chargeable with a duty of excise under the Central Excises and Salt Act, 1944 (1 of 1944) read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable, are assessed to duty, there shall be levied and collected a duty of excise equal to ten per cent of the total amount so chargeable on such goods.

(2) The duties of excise referred to in sub-section (1) in respect of the goods specified in the Schedule shall be in addition to the duties of excise chargeable on such goods under the Central Excises and Salt Act, 1944, (1 of 1944) or any other law for the time being in force and shall be levied for the purposes of the Union and the proceeds thereof shall not be distributed amont the Stages.

(3) The provisions of the Central Excises and Salt Act, 1944, (1 of 1944) and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, so far as may be, apply in relation to the levy and collection of the duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under tha Act or those rules.

THE SCHEDULE

(*See* Section 3)

Sl. No.	Description of goods
(1)	(2)
1.	Man-made fibres, other than mineral fibres, man-made filament yarns, cellulosic spun yarn and non-cellulosic wastes, all sorts as described in Item No. 18 I, 18 II, 18 III and 18 IV respectively of the First Schedule to the Central Excises and Salt Act, 1944.
2.	Cotton yarn, all sorts as described in Item No. 18A of the First Schedule to the Central Excises and Salt Act, 1944.
3	Woollen and acrylic spun yarn as described in Item No. 18B of the First Schedule to the Central Excises and Salt Act, 1944.
4	Non-cellulosic spun yarn as described in Item No. 18E of the First Schedule to the Central Excises and Salt Act, 1944.
5	Cotton fabrics.
6	Silk fabrics.
7	Woollen fabrics.
8	Man-made fabrics.
9	Wool tops.

N. SANJIVA REDDY,
Peesident.

R. V. S. PERI SASTRI,
Secy. to the Government of India.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 8 LCR 78.

Bangalore, dated 16th June 1978.

Ordered that the Income-Tax (Third Amendment) Rules, 1978 published in Part II, Section 3 (ii) of the Gazette of India, Extraordinary dated 31st March, 1978 be republished in the *Karnataka Gazette*, for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION

New Delhi, the 31st March, 1978.

INCOME-TAX

S. O. 222(E):—In exercise of the powers conferred by section 295 of the Income-tax Act 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. These rules may be called the Income-tax (Third Amendment) Rules, 1978.
2. In Appendix II to the Income-tax Rules, 1962, for Form No. 24, the following Form shall be substituted, namely:—

FORM NO. 24

(*See* rule 35)

ANNUAL RETURN OF 'SALARIES' UNDER SECTION 206 OF THE INCOME-TAX ACT, 1961.

(For the year ending 31st March, 19)

Name and address of the employer
Permanent Account No.
T. D. S. No. (as allotted by the ITO)

Employer-Classification

01 Central Government/Union Territory
02 State Government
03 Local Authority
04 Central Government Company/Corporation established by a Central Act
05 State Government Company/Corporation established by a State or Provincial Act
06 Other Company
07 Firm
08 Individual
09 Others

[Please tick (√) whichever is applicable]

e, if available.)

xtent chargeable to tax

e.

ution, etc. (see Notes 3 and 4)

etc.

educted)

I certify that—

(i) the above return consists of   pages serially numbered from———— and furnishes the prescribed particulars in respect of   employees;
(give number)

(ii) the above return contains a complete list of the total amount chargeable under the head "salaries" paid by ————

(a) to all persons who were receiving such income or to whom such income was due on the 31st day of March, 19- -at the rate of Rs.——— — ———per annum (being Rs. 600 less than the taxable minimum prescribed by the Finance Act of the year) or who have received or to whom was due during the year ended on that day not less than the aforesaid sum in respect of salary, wages, annuity, gratuity, fees, commission, perquisities or profits in lieu of or in addition to salary or wages, advances of salary, payments at or in connection with retirement or any other sums chargeable to income-tax under the head "Salaries", and (b) to all persons from whose salaries any tax was deducted during the year ended on the 31st day of March, 19———;

(iii) the amount of tax shown in column 18 has been paid to the credit of the Central Government vide particulars given below:

(iv) all the particulars furnished in the return and the Annexure are correct.

....

Signature of person by whom the return is delivered

Date ——————

Designation

11

13

Date of payment

Total of columns 1 to 12

ANNEXURE

PARTICULARS OF VALUE OF PERQUISITES AND AMOUNT OF ACCRETION TO EMPLOYEES PROVIDENT FUND ACCOUNT

Name and address of the employer

T. D. S. No. Permanent Account No. Period: Year ending 31st March, 19——

Value of rent free accommodation or value of any concession in rent for the accommodation provided by the employer (give basis of computation)

Where accommodation is furnished

ousehold appliances and air-conditioning

8 as may be applicable)

ssional rate of where the employee is allowed the use of one
rquisite (give details)

ee of cost or at concessional rate not included in the preceding

1 Name of the employee

2 Employee's serial No. in Form No. 24.

3 Where accommodation is unfurnished.

4 Value as if accommodation is unfurnished.

5 Cost of furniture (including television sets, radio sets, refrigerators, other
plant or equipment)

6 Perquisite value of furniture (10% of column 5)

7 Total of columns 4 and 6

8 Rent, if any, paid by the employee

9 Value of perquisite (column 3 minus column 8 OR column 7 minus colum

10 Where any conveyance has been provided by the employer free or at a co
or more motor cars owned or hired by the employer, estimated value of

11 Remuneration paid by employer for domestic and/personal services pro

12 Value of free or concessional passages on home leave and other travelling

13 Estimated value of any other benefit or amenity provided by the employer
columns (give details)

14 Employer's contribution to recognised provident fund in excess of 10% o

15 Interest credited to the assessee's account in recognised provident fund in
Central Government.

16 Total of columns 9 to 15 carried to column 6 of Form No. 24.

Signature of person by whom the return is delivered

Designation".

[No. 2238/F. No. 142(6)/77-TPL]

S. N. SHENDE, Secy.

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AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI-110054, 1978

mount

Notes :

1. Please give occupational Code according to the following list.

Code No.	Occupation of employee	Code No.	Occupation of employee
01	Architects, engineers, technologists, surveyors and engineering technicians.	06	Rest of 'professional, technical and related workers'.
02	Physicians and surgeons.	07	Administrative, executive, clerical and related workers.
03	Accountants, auditors and related workers.	08	Sales workers.
04	Lawyers.	09	Service workers.
05	Teachers.	10	Production and related workers, transport equipment operators and labourers.

2. Salary includes wages, annuity, pension, gratuity, fees, commission, bonus, repayment of amount deposited under the Additional Emoluments (Compulsory Deposit) Act, 1974 or profits in lieu of or in addition to salary or wages, including payments made at or in connection with the termination of employment, advance of salary or any other sums chargeable to income-tax under the head "Salaries".

3. The amount withdrawn from the provident fund account for the payment of life insurance premium should not be included in this column.

4. Where an employer deducts from the emoluments paid to an employee or pays on his behalf any contributions of that emplo to any approved superannuation fund, all such deductions or payments should be included in the return.

5. Where tax has been deducted at a lower rate or no tax has been deducted on the basis of a certificate given by the Income-tax Officer under section 197(1), this should be indicated in this column and a copy of such order should be attached along with the return.

6. Please record on every page the total of each of the columns 16 to 18.

Total
(See Note 6)

1 Serial Number.

2 Name and residential address of employee (Also give the Permanent Account Number of the employe

3 Occupational classification of employee (give Code number); (see Note 1).

4 Total amount of salary, etc. excluding amounts required to be shown in coloumns 5 and 6 (see Note 2,

5 Total amount of house rent allowance, conveyance allowance and other allowances to the e
[see section 10(13A) read with rule 2A and section 10(14)].

6 Value of perquisites and amount of accretion to employee's provident fund account—as per annexu

7 Total of columns, 4, 5 and 6.

8 Standard deduction under section 16(i)

9 Deduction in respect of entertainment allowance under section 16(ii).

10 Net amount taxable under Chapter IVA for the year (coloumn 7 minus total of Columns 8 and 9).

11 Amount deductible under section 80 C in respect of life insurance premium, provident fund contrib

12 Amount deductible under section 80G in respect of donations to certain funds' charitable institutions,

13 Amount deductible under section 80GG.

14 Amount deductible under any other provision of Chapter VI A (indicate relevant section and amount

15 Net amount on which tax is deductible (column 10 minus total of columns 11, 12, 13 and 14).

16 Income-tax.

17 Surcharge.

18 Total of columns 16 and 17.

---

19 Arrears of salary, if any, pertaining to earlier years included in total amount in column 7.

20 Tax attributable to such arrears included in the tax shown in column 18.

21 Serial number (Repeat number in column 1).

22 Remarks (see Note 5)

PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 51 LCA 78,

Bangalore, dated the 21st September 1978.

Ordered that the Coast Guard Act, 1978 (30 of 1978) published in Part II, Section 1 of the *Gazette of India,* Extraordinary dated 18th August, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

Assented to on 18th August 1978 Act No. 30 of 1978.

THE COAST GUARD ACT, 1978

ARRANGEMENT OF SECTIONS

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THE COAST GUARD ACT, 1978

An

Act

to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the maritime zones of India with a view to the protection of maritime and other national interests in such zones and for matters connected therewith.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Coast Guard Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires.—

(*a*) "Chief Law Officer" and "Law Officer" mean, respectively, the Chief Law Officer and a Law Officer of the Coast Guard appointed under Section 115;

(*b*) "civil offence" means an offence which is triable by a criminal court;

(*c*) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894, (9 of 1894) or under any other law for the time being in force;

(*d*) "Coast Guard" means the Coast Guard constituted under this Act;

(*e*) "Coast Guard Court" means a court convened under Section 64;

(*f*) "Coast Guard custody" means the arrest or confinement of a member of the Coast Guard according to rules;

(*g*) " Commanding Officer ", when used in any provision of this Act with reference to any unit or ship of the Coast Guard, means the officer whose duty it is under the rules to discharge with respect to that unit or ship, the functions of a Commanding Officer in regard to matters of the description referred to in that provision ;

(*h*) " criminal court " means a court of ordinary criminal justice in any part of India ;

(*i*) " Deputy Inspector-General " means a Deputy Inspector-General of the Coast Guard appointed under section 5 ;

(*j*) " Director-General " means the Director-General of the Coast Guard appointed under section 5 ;

(*k*) "enrolled person" means a subordinate officer, sailor or other person enrolled under this Act ;

(*l*) "Inspector-General" means an Inspector-General of the Coast Guard appointed under section 5 ;

(*m*) "maritime zones of India" means the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India ;

(*n*) "member of the Coast Guard" means an officer, a subordinate officer, a sailor or other enrolled person ;

(*o*) "notification" means a notification published in the Official Gazette ;

(*p*) "offence" means any act or omission punishable under this Act and includes a civil offence ;

(*q*) "officer" means a person appointed or in pay as an officer of the Coast Guard, but does not include a subordinate officer, sailor or other enrolled person ;

(*r*) "prescribed" means prescribed by rules made under this Act ;

(*s*) "rule" means a rule made under this Act ;

(*t*) "sailor" means a member of the Coast Guard other than an officer, a subordinate officer or other enrolled person ;

(*u*) "ship", except in the expression "on board a ship", means a Coast Guard vessel, and includes any establishment or

CHAPTER II

CONSTITUTION OF THE COAST GUARD AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE COAST GUARD

4. *Constitution of the Coast Guard.*—(1) There shall be an armed force of the Union called the Coast Guard for ensuring the security of the maritime zones of India with a view to the protection of maritime and other national interests in such zones.

(2) Subject to the provisions of this Act, the Coast Guard shall be constituted in such manner as may be prescribed and the conditions of service of the members of the Coast Guard shall be such as may be prescribed.

5. *Control, direction etc.*—(1) The general superintendence, direction and control of the Coast Guard shall vest in, and be exercised by, the Central Government and subject thereto, and to the provisions of this Act and the rules, the command and supervision of the Coast Buard shall vest in an officer to be appointed by the Central Government as the Director-General of the Coast Guard.

(2) The Director-General shall, in the discharge of his duties under this Act, be assisted by such number of Inspectors-General, Deputy Inspectors-General, Commandant and such other officers as may be appointed by the Central Government.

6. *Enrolment.*—(1) The persons to be enrolled to the Coast Guard, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed.

(2) Notwithstanding anything contained in this Act and the rules, every person who has, for a continuous period of three months, been in receipt of pay as a person enrolled under this Act and borne on the rolls of the Coast Guard shall be deemed to have been duly enrolled.

7. *Liability for service outside India.*—Every member of the Coast Guard shall be liable to serve in any part of India as well as outside India.

8. *Oath of allegiance.*—Every member of the Coast Guard shall, as soon as may be, after appointment or enrolment to the Coast Guard, make and subscribe before his Commanding Officer or other prescribed officer, an oath or affirmation in the prescribed form.

9. *Resignation and withdrawal from the post.*—No member of the Coast Guard shall be at liberty—

(*a*) to resign his appointment during the term of his engagement; or

(*b*) to withdraw himself from all or any of the duties of his appointment,

except with the previous permission in writing of the prescribed authority.

10. *Tenure of service under the Act.*—Every member of the Coast Guard shall hold office during the pleasure of the President.

11. *Dismissal or removal by Central Government and by other officers.*—Subject to the provisions of this Act and the rules—

(*a*) the Central Government may dismiss or remove from service any member of the Coast Guard;

(*b*) the Director-General or any Inspector-General may dismiss or remove from the Coast Guard any person other than an officer;

(*c*) any prescribed officer not below the rank of a Deputy Inspector-General may dismiss or remove from the Coast Guard any person under his command other than an officer or a subordinate officer.

12. *Certificate of termination of service.*—An enrolled person who retires, or is discharged, released, removed or dismissed from the Coast Guard or permitted to resign therefrom, shall be furnished by the officer, to whose command he is subject.

with a certificate in the language which is the mother tongue of such person and also in Hindi or English language setting forth—

(*a*) the authority terminating his service;

(*b*) the reasons for such termination; and

(*c*) the full period of his service in the Coast Guard.

13. *Restrictions respecting right to form association, freedom of speech, etc.*—(1) No member of the Coast Guard shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

(*a*) be a member of, or be associated in any way with, any trade union, labour union, or political association; or

(*b*) be a member of, or be associated in any way with, any society, institution, association or organisation that is not recognised as part of the Coast Guard or is not of a purely social, recreational or religious nature; or

(*c*) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (*b*) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of the Coast Guard shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be specified in this behalf by the Central Government.

CHAPTER III

DUTIES AND FUNCTIONS OF THE COAST GUARD

14. *Duties and functions of Coast Guard.*—(1) It shall be the duty of the Coast Guard to protect by such measures, as it thinks fit, the maritime and other national interests of India in the maritime zones of India.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for—

(*a*) ensuring the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in any maritime zone;

(*b*) providing protection to fishermen including assistance to them at sea while in distress;

(*c*) taking such measures as are necessary to preserve and protect the maritime environment and to prevent and control marine pollution;

(*d*) assisting the customs and other authorities in anti-smuggling operations;

(*e*) enforcing the provisions of such enactments as are for the time being in force in the maritime zones; and

(*f*) such other matters, including measures for the safety of life and property at sea and collection of scientific data, as may be prescribed.

(3) The Coast Guard shall perform its functions under this section in accordance with, and subject to such rules as may be prescribed and such rules may, in particular, make provisions for ensuring that the Coast Guard functions in close liaison with Union agencies, institutions and authorities so as to avoid duplication of effort.

CHAPTER IV

OFFENCES

15. *Correspondence, etc., with offenders.*—Any person subject to this Act, who,—

(*a*) treacherously holds correspondence with, or communicates intelligence to, an offender; or

(*b*) wilfully fails to make known to the proper authorities any information he may have received from an ocender; or

(*c*) assists the offender in any manner; or

(*d*) having been captured by an offender, voluntarily serves with or aids him, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Explanation.—For the purposes of this section, "offender" includes—

(*a*) all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to take action; and

(*b*) any person or persons engaged in smuggling, unlawful exploration or exploitation or any other unlawful activity in the maritime zones of India.

16. *Deserting post and neglect of duty*.—Any person subject to this Act, who,—

(*a*) deserts his post; or

(*b*) sleeps upon his watch; or

(*c*) fails to perform, or negligently performs, the duty imposed on him; or

(*d*) wilfully conceals any words, practice or design tending to the hindrance of the Coast Guard,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

17. *Mutiny*.—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) begins, incites, causes or conspires with any other person to cause any mutiny in the Coast Guard or in the military, naval or air forces of India or any forces co-operating therewith; or

(*b*) joins in any such mutiny; or

(*c*) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or

(*d*) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his Commanding Officer or other superior officer; or

(c) endeavours to seduce any person in the Coast Guard or in the military, naval or air forces of India or any forces co-operating therewith from his duty or allegiance to the Union,

shall, on conviction by a Coast Guard Court, be liable to suffer death or such less punishment as is in this Act mentioned:

Provided that a sentence of death awarded under this section shall not be carried out unless it is confirmed by the Central Government.

18. *Persons on board ship or aircraft seducing Coast Guard personnel from allegiance.*—Any person not otherwise subject to this Act who, being on board any ship or aircraft belonging to or in the service of the Coast Guard endeavours to seduce any person subject to this Act from his allegiance to the Constitution or loyalty to the State or duty to his superior officers shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

19. *Striking or threatening superior officers.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) uses criminal force to or assaults his superior officer; or

(b) uses threatening language to such officer; or

(c) uses insubordinate language to such officer; or

(d) behaves with contempt to such officer,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned:

Provided that in the case of offences specified in clauses (c) and (d), the imprisonment shall not exceed five years.

20. *Disobedience to superior officer.*—(1) Any person subject to this Act who disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on

conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who disobeys any lawful command given by his superior officer, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

21. *Ill-treating subordinates.*—Any person subject to this Act who uses criminal force to or otherwise in treats any other person subject to this Act, being his subordinate in rank or position, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

22. *Quarrelling, fighting and disorderly behaviour.*—Any person subject to this Act, who,—

(*a*) quarrels, fights with or strikes any other person, whether such person is or is not subject to this Act; or

(*b*) uses reproachful or provoking speeches or gestures tending to make a quarrel or disturbance; or

(*c*) behaves in a disorderly manner,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

23. *Certain forms of disgraceful conduct.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or

(*b*) malingers, or feigns, or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity; or

(*c*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

24. *Drunkenness.*—(1) Any person subject to this Act, who is guilty of drunkenness shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to six months or such less punishment as is in this Act mentioned.

(2) For the purposes of sub-section (1), a person shall be deemed to be guilty of drunkenness if, owing to the influence of alcohol or any drug whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform or behaves in a disorderly manner or in a manner likely to bring discredit to the Coast Guard.

25. *Desertion and aiding desertion.*—(1) Any person subject to this Act, who absents himself from his ship or from the place where his duty requires him to be, with an intention of not returning to such ship or place, or who, at any time and under any circumstances when absent from his ship or place of duty does any act which shows that he has an intention of not returning to such ship or place is said to desert.

(2) Every person who deserts or attempts to desert the Coast Guard shall, on confiction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(3) Any person subject to this Act, who knowingly harbours any such deserter, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

26. *Breaking out of ship and absence without leave.*—Any person subject to this Act, who without being guilty of desertion improperly leaves his ship or place of duty or is absent without leave shall, on conviction by a Coast Guard Court, be liable

suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned, and shall also be punished by such mulcts of pay and allowances as may be prescribed.

27. *Losing ship or aircraft.*—(1) Any person subject to this Act who wilfully loses, strands or hazards or suffers to be lost, stranded or hazarded any ship belonging to or in the service of the Coast Guard, or loses or suffers to be lost any aircraft belonging to or in the service of the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as in this Act mentioned.

(2) Any person subject to this Act, who negligently or by any default loses, strands or hazards or suffers to be lost, stranded or hazards any ship belonging to or in the service of the Coast Guard, or loses or suffers to be lost any aircraft belonging to or in the service of the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

28. *Dangerous unauthorised flying.*—Any person subject to this Act who is guilty of any act or neglect in flying or in the use of any aircraft belonging to or in the service of the Coast Guard, or in relation to any such aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person shall, on conviction by a Coast Guard Court,—

(*a*) if he acts wilfully ir with wilful neglect, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned ; and

(*b*) in any other case, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

29. *Inaccurate certificate.*—Any person subject to this Act signs any certificate in relation to an aircraft belonging to or in the service of the Coast Guard or to any material thereof with-

out ensuring its accuracy shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

30. *Low flying and annoyance by flying.*—Any person subject to this Act, being the pilot of an aircraft belonging to or in the service of the Coast Guard, who—

(*a*) flies it at a height lower than the minimum height authorised by his Commanding Officer except while taking off or landing; or

(*b*) flies it so as to cause or likely to cause unnecessary annoyance to any person,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

31. *Disobedience of lawful command of captain of an aircraft.*—Any person subject to this Act, who while he is in an aircraft belonging to or in the service of the Coast Guard, disobeys any lawful command given by the captain of the aircraft whether such captain is subject to this Act or not, in relation to all matters relating to flying or handling of the aircraft or affecting the safety thereof, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

32. *False accusations.*—Any person subject to this Act, who commits any of the following offences, that is to say,—

(*a*) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(*b*) in making a complaint against any person subject to this Act makes any statement affecting the character of such person, knowing or having reason to believe such statement to be false or knowingly or wilfully suppresses any material facts, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

33. *Falsifying official documents and false declarations.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) in any report return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of, any false or fraudulent statement; or

(*b*) in any document of the description mentioned in clause (*a*) knowingly makes, or is privy to the making of, any omission, with intent to defraud; or

(*c*) knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or

(*d*) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(*e*) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false, or does not believe to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as in this Act mentioned.

34. *Offences in respect of property.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) commits theft of any property belonging to the Government or to any Coast Guard mess, or institution, or to any person subject to this Act; or

(*b*) dishonestly misappropriates or converts to his own use any such property; or

(c) commits criminal breach of trust in respect of any such property; or

(d) dishonesty receives or retains any such property in respect of which any of the offences under clauses (a), (b) and (c) has been committed, knowing or having reason to believe the commission of such offence; or

(e) wilfully destroys or damages any property of the Government entrusted to him; or

(f) does any other things with intent to defraud or to cause wrongful gain to one person or wrongful loss to another person,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

35. *Damage to property.*—Any person subject to this Act, who commits any act which causes damage to, or destruction of, any property of the Government shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

36. *Taking unauthorised goods on board.*—Every officer or subordinate officer in command of any ship belonging to or in the service of the Coast Guard who receives on board or permits to be received on board such ship, any goods or merchandise whatsoever other than for the sole use of the ship or persons belonging to the ship, except goods and merchandise on board any ship which may be ship-wrecked or in imminent danger either on the high seas or in some port, creek or harbour for the purpose of preserving them for their proper owners, or except such goods or merchandise as he may, at any time be ordered to take or receive on board by order of the Central Government or his superior officer, shall, on conviction by a Coast Guard Court, be liable to suffer dismissal from the Coast Guard or such less punishment as is in this Act mentioned.

37. *Offences in respect of papers relating to vessel, craft or aircraft taken into custody.*—(1) All the papers, charter parties, bills of lading, passports, and other documents that shall be taken seized or found on board any vessel, craft or aircraft taken into custody by the Coast Guard shall be duly preserved and the Commanding Officer or skipper shall send the same to his immediate superior.

(2) Every Commanding Officer or skipper who fails to send the documents as required under sub-section (1) shall, on conviction by a Coast Guard Court, be liable to suffer dismissal from the Coast Guard or such less punishment as is in this Act mentioned.

38. *Offences in respect of vessel, craft or aircraft taken into custody.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) takes out without proper authority from any vessel, craft or aircraft taken into custody, any money or goods; or

(*b*) pillages, beats or ill-treats persons on board the said vessel, craft or aircraft; or

(*c*) breaks bulk on board any such vessel, craft or aircraft with intent dishonesty to misappropriate anything therein or belonging thereto,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

39. *Unlawful taking of ransom.*—Every Commanding Officer or skipper of a ship who,—

(*a*) unlawfully agrees with any person for the ransoming of any vessel, craft, aircraft goods or things taken into custody by the Coast Guard; or

(*b*) in pursuance of any unlawful agreement for ransoming or otherwise by collusion actually quits or restores any vessel, craft, aircraft, goods or things taken into custody by the Coast Guard, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

40. *Offences relating to Coast Guard Courts.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) being duly summoned or ordered to attend as a witness before a Coast Guard Court, wilfully or without reasonable excuse, makes default in attending; or

(*b*) refuses to take an oath or make an affirmation legally required by a Coast Guard Court to be taken or made; or

(*c*) refuses to produce or deliver any document in his power or control legally required by a Coast Guard Court to be produced or delivered by him; or

(*d*) refuses, when witness, to answer any question which he is by law bound to answer; or

(*e*) is guilty of contempt of a Coast Guard Court by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such Court,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

41. *Escape from custody.*—Any person subject to this Act who, being in lawful custody escapes or attempts to escape, shall on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

42. *Violation of the Act, rules and orders.*—Any person subject to this Act who neglects to obey, or contravenes any provision of this Act or any rule or any order issued by any lawful authority under this Act, shall, if no other punishment is provided in this Act for such neglect or contravention, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

43. *False answers on enrolment.*—Any person having become subject to this Act who is discovered to have made at the time of enrolment, a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

44. *Offences against good order and discipline.*—Any person subject to this Act who is guilty of any act or omission or disorder or neglect, which, though not specified in this Act, is prejudicial to good order and discipline of the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this mentioned.

45. *Attempt.*—Any person subject to this Act who attempts to commit any of the offences specified in sections 15 to 44 (both inclusive) and in such attempt does any act towards the commission of the offences shall, on conviction by a Coast Guard Court, where no express provision is made by this Act for the punishment of such attempt, be liable,—

(*a*) if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(*b*) if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

46. *Abetment of offences that have been committed.*—Any person subject to this Act who abets the commission of any of the offences specified in sections 15 to 44 (both inclusive), shall, on conviction by a Coast Guard Court, if the act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abet-

ment, be liable to suffer imprisonment provided for that offence or such less punishment as is in this Act mentioned.

47. *Abetment of offence punishable with death and not committed.*—Any person subject to this Act, who abets the commission of an offence punishable with death under Section 17 shall, on conviction by a Coast Guard Court, if that offence be not committed in consequence of that abetment, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

48. *Abetment of offences punishable with imprisonment and not committed.*—Any person subject to this Act, who abets the commission of any of the offences specified in Sections 15 to 44 (both inclusive) ,and punishable with imprisonment shall, on conviction by a Coast Guard Court, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

49. *Civil offences.*—Subject to the provisions of Section 50, any person subject to this Act who at any place in, or beyond, India commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section shall be liable to be tried by a Coast Guard Court, and, on conviction, be punishable as follows, that is to say,—

(*a*) if the offence is one which would be punishable under any law in force in India with death, he shall be liable to suffer any punishment, assigned for the offence, by the aforesaid law or such less punishment as is in this Act mentioned; and

(*b*) in any other case, he shall be liable to suffer any punishment, assigned for the offence by the law in force in India, or imprisonment for a term which may extend to seven years, or such less punishment as is in this Act mentioned.

50. *Civil offences not triable by a Coast Guard Court.*—A person subject to this Act who commits an offence of murder

or of culpable homicide not amounting to murder against, or of rape in relation to, a person not subject to this Act shall not be deemed to be guilty of an offence against this Act and shall not be tried by a Coast Guard Court, unless he commits any of the said offences,—

(*a*) at any place outside India; or

(*b*) at any place specified by the Central Government by notification in this behalf.

51. *Period of limitation for trial of offences under the Act.*—(1) No person unless he is an offender who has avoided apprehension or escaped arrest or committed the offence of desertion or of giving false entry on enrolment or the offence of mutiny shall be tried or punished in pursuance of this Act for any offence committed by him unless such trial commences within three years from the commission if such offence.

(2) No trial for an offence of desertion or of giving false entry on enrolment shall be commenced if the person in question, not being an officer, has subsequent to the commission of the offence served continuously in an exemplary manner for not less than three years in the Coast Guard.

52. *Trial, etc., of a person who ceases to be subject to the Act.*—(1) Where an offence under this Act had been committed by any person while subject to this Act, and such person has since the commission of the offence ceased to be subject to this Act, he may be taken into and kept in the Coast Guard custody, and tried and punished for such offence as if he had continued to be so subject.

(2) So such person shall be tried for an offence, unless his trial commences within six months after he has ceased to be subject to this Act:

Provided that nothing contained in this sub-section shall apply to the trial of any such person for an offence of mutiny or desertion.

CHAPTER V

PUNISHMENTS

53. *Punishments awardable by Coast Guard Courts.*—(1) Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by Coast Guard Courts according to the scale following, that is to say,—

(*a*) death;

(*b*) imprisonment which may be for the term of life or any other lesser term;

(*c*) dismissal from the Coast Guard;

(*d*) detention in Coast Guard custody for a period not exceeding two years;

(*e*) reduction to the ranks or to a lower rank in the case of sailors;

(*f*) forfeiture of seniority of rank, forfeiture of all or any part of the service for the purpose of promotion;

(*g*) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(*h*) fine, in respect of civil offences;

(*i*) mulcts of pay and allowances;

(*j*) severe reprimand or reprimand except in the case of persons below the rank of an *Uttam Navik* or *Uttam Yantrik*.

(2) Each of the punishments specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

54. *Alternative punishments awardable by Coast Guard Courts.*—Subject to the provisions of this Act, a Coast Guard Court may, on convicting a person subject to this Act of any of the offences specified in Sections 15 to 48 (both inclusive) award either the particular punishment with which the offence is stated in the said sections to be punishable, or in lieu thereof, any one of the punishments lower in the scale set out in Section 53 regard being had to the nature and degree of the offence

55. *Combination of punishments.*—Subject to the provisions of Section 58, a sentence of a Coast Guard Court may award in addition to, or without any one other punishment, the punishment specified in clause (*c*) of sub-section (1) of Section 53 and any one or more of the punishments specified in clauses (*e*) to (*j*) (both inclusive) of that sub-section.

56. *Punishments otherwise than by Coast Guard Courts.*—Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a Coast Guard Court in the manner stated in Section 57.

57. *Minor punishments.*—Subject to the provisions of Section 58, a Commanding Officer or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise than as an officer, who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,—

(*a*) imprisonment for a period not exceeding three months;

(*b*) dismissal from the Coast Guard;

(*c*) detention in Coast Guard custody for a period not exceeding three months;

(*d*) reduction to the ranks or to a lower rank in the case of sailors;

(*e*) fine, in respect of civil offences;

(*f*) mulcts of pay and allowances;

(*g*) deprivation of good conduct badges;

(*h*) reprimand;

(*i*) extra work and drill for a period not exceeding fourteen days in the case of persons below the rank of an *Uttam Navik* or *Uttam Yantrik;*

(*j*) stoppage of leave for a period not exceeding sixty days:

(*k*) admonition :

Provided that no punishment specified in clauses (*a*) to (*d*) (both inclusive) shall be inflicted,—

(*a*) in the case of a subordinate officer, unless it is approved by an officer not below the rank of an Inspector-General ; and

(*b*) in the case of others, unless it is approved by an officer not below the rank of a Deputy Inspector-General.

58. (1) *Provisions as to award of punishments.*—The punishments that may be inflicted under this Act shall be awarded in accordance with the provisions of this section.

(2) A sentence of imprisonment under this Act shall in all cases be accompanied by a sections of dismissal.

(3) A sentence of imprisonment may be rigorous or simple or partly rigorous and partly simple.

(4) No officer shall be subject to detention for any offence under this Act.

(5) No subordinate officer shall be sentenced to detention except for desertion.

(6) A sentence of detention shall not be accompanied by a sentence of dismissal from the Coast Guard.

(7) A sentence of detention for a period exceeding fourteen days shall in all cases be accompanied by stoppage of pay and allowances during the period of detention.

CHAPTER VI

ARREST AND PROCEEDINGS BEFORE TRIAL

59. *Custody of offenders.*—(1) Any person subject to this Act who is charged with an offence may be taken into Coast Guard custody, under the order of any superior officer.

(2) Notwithstanding anything contained in sub-section (1), an officer may order into Coast Guard custody any other officer engaged in a qaurel, affray or disorder, thiugh such other officer may be of a higher rank.

60. *Duty of Commanding officer in regard to detention.*— (1) It shall be the duty of every Commanding Officer to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported him, without the charge being investigated, unless investigation within that period seems to him to be impracticable having regard to the public service.

(2) The case of every person being detained in custody beyond a period of forty-eight hours, and the reasons therefor, shall be reported by the Commanding Officer to the Deputy Inspector-General under whom he is serving or such other officer to whom an application may be made to convene a Coast Guard Court for the trial of the person charged.

(3) In reckoning the period of forty-eight hours specified in sub-section (1), Sundays and other public holidays shall be excluded.

(4) Subject to the provisions of this Act, the Central Government may make rules providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in Coast Guard custody, pending the trial by any competent authority for any offence committed by him.

61. *Arrest by civil authorities.*—Whenever any person subject to this Act, who is accused of an offence under this Act, is within the jurisdiction of any Magistrate or police officer, such Magistrate or police officer shall aid in the apprehension and delivery to Coast Guard custody of such person upon receipt of a written application to that effect signed by his Commanding Officer or an officer authorised by the Commanding Officer in that behalf.

62. *Capture of deserters.*— (1) Whenever any person subject to this Act deserts, the Commanding Officer of the unit or ship to which he belongs, shall give information of the desertion to such civil authirities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such autho-

rities shall thereupon take steps for the apprehension of the said deserter in like manner as if he was a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended, into Coast Guard custody.

(2) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest Magistrate, to be dealt with according to law.

63. *Coast Guard police officers.*—(1) The Director-General or any prescribed officer may appoint persons for discharging the functions specified in sub-sections (2) and (3).

(2) The duties of a person appointed under sub-section (1), are to take charge of persons confined for any offence, to preserve good order and discipline and to prevent breaches of the same by persons serving in, or attached to, the Coast Guard.

(3) Notwithstanding anything contained in section 59, a person appointed under sub-section (1), may, at any time, arrest and detain for trial any person subject to this Act who commits or is charged with, an offence, and may also carry into effect any punishment to be inflicted in pursuance of a sentence awarded by a Coast Guard Court or by an officer exercising authority under section 57 but shall not inflict any punishment on his own authority:

Provided that no officer shall be so arrested or detained otherwise than on the order of another officer.

CHAPTER VII

COAST GUARD COURTS

64. *Power to convene a Coast Guard Court.*—(1) A Coast Guard Court may be convened by the Central Government or the Director-General or by any officer empowered in this behalf by warrant of the Director-General (hereafter in this Act referred to as the convening authority).

(2) A warrant issued under sub-section (1) may contain such restrictions, reservations or conditions as the Director-General may think fit.

65. *Composition of Coast Guard Courts.*—(1) A Coast Guard Court shall consist of not less than five officers each of whom has held the post of Assistant Commandant for not less than three years.

Explanation.—For the purposes of this sub-section "Assistant Commandant" includes any post of a higher rank and any post declared by the Central Government by notification to be an equivalent post as also any post higher in rank than the post so declared.

(2) At every Coast Guard Court, the senior member shall be the presiding officer.

(3) A Coast Guard Court shall not be duly constituted unless the members thereof are drawn from at least two ships.

(4) No Coast Guard Court for the trial of an officer shall be duly constituted unless the presiding officer and at least two members of the court are of the same rank as the accused or of a higher rank.

66. *Dissolution of a Coast Guard Court.*—(1) If a Coast Guard Court after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

(2) If, on account of the illness of the Law Officer or of the accused before the finding, it is impossible to continue the trial, a Coast Guard Court shall be dissolved.

(3) The convening authority of a Coast Guard Court may dissolve the same if it considers that the exigencies of the service or necessities of discipline render it impossible or inexpedient to continue the said Coast Guard Court.

(4) Where a Coast Guard Court is dissolved under this section, the accused may be tried again.

67. *Powers of a Coast Guard Court.*—Every Coast Guard Court shall have the power to try any person subject to this

Act for any offence punishable thereunder and to pass any sentence authorised thereby.'

68. *Prohibition of second trial.*—(1) When any person subject to this Act has been acquitted or convicted of an offence by a Coast Guard Court or by a criminal court or has been dealt with under Section 57, he shall not be liable to be tried again for the same offence by a Coast Guard Court or dealt with under the said section.

(2) When any person, subject to this Act, has been acquitted or convicted of an offence by a Coast Guard Court or has been dealt with under Section 57, he shall, not be liable to be tried again by a criminal court for the same offence or on the same facts.

69. *Application of Act during term of sentence.*—(1) When a person subject to this Act is sentenced by a Coast Guard Court to imprisonment, this Act shall apply to him during the term of his sentence, though he is dismissed from the Coast Guard, or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

(2) When a person subject to this Act is sentenced by a Coast Guard Court to death, this Act shall apply to him till the sentence is carried out.

70. *Place of trial.*—A Coast Guard Court may be held on shore or afloat.

71. *Choice between criminal court and Coast Guard Court.*—When a criminal court and a Coast Guard Court have each jurisdiction in respect of an offence, it shall be in the discretion of the Director General or the Inspector-General or the Deputy Inspector-General within whose command the accused person is serving or such other officer as may be prescribed, to decide before which court the proceedings shall be instituted, and, if that officer decides that they shall be instituted before a Coast Guard Court, to direct that the accused person shall be detained in Coast Guard custody.

72. *Power of criminal court to require delivery of an offender.*—(1) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer referred to in Section 71 at his option either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings, pending a reference to the Central Government.

(2) In every such case, the said officer shall either deliver over the offender in compliance with the requisition, or shall forthwith refer the question as to the court before which the proceedings are to be instituted, for the determination of the Central Government whose order upon such reference shall be final.

CHAPTER VIII

PROCEDURE OF COAST GUARD COURTS

73. *Law Officer.*—Every Coast Guard Court shall be attended by a Law Officer, or if no such officer is available, an officer approved by the Chief Law Officer or a Law Officer.

74. *Challenges.*—(1) At all trials by a Coast Guard Court, as soon as the court is assembled, the names of the presiding officer and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer setting on the court.

(2) If the accused objects to such officer, his objection and also the reply thereto of the officer objected to shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the members entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner, by another officer subject to the same right of the accused to object.

(4) Where no challenge is made, or when a challenge has been made and disallowed, or the place of every officer suces-

sfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

75. *Oaths of member, Law Officer and witness.*—(1) An oath or affirmation in the prescribed manner shall be administered to every member of a Coast Guard Court and to the Law Officer or, as the case may be, the officer approved under Section 73, before the commencement of the trial.

(2) Every officer giving evidence before a Coast Guard Court shall be examined after being duly sworn or affirmed in the prescribed form.

(3) The provisions of sub-section (2) shall not apply where the witness is a child under twelve years of age and the Coast Guard Court is of opinion that though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation.

76. *Voting by members.*—(1) Subject to the provisions of sub-sections (2) and (3), every decision of a Coast Guard Court shall be passed by an absolute majority of votes; and where there is an quality of votes on either the finding or the sentence, the decision shall be in favour of the accused.

(2) No sentence of death shall be passed by a Coast Guard Court without the concurrence of at least two-thirds of the members of the court.

(3) In matters, other than a challenge or the finding or sentence, the presiding officer shall have a casting vote.

77. *General rule as to evidence.*—The Indian Evidence Act, 1872, (1 of 1872) shall, subject to the provisions of this Act, apply to all proceedings before a Coast Guard Court.

78. *Judicial notice.*—A Coast Guard Court may take judicial notice of any matter within the general knowledge of the members as officers of the Court Guard.

79. *Summoning of witnesses.*—(1) The convening authority, the presiding officer of a Coast Guard Court, the Law Officer or, as the case may be, the officer approved under Section 73 or the Commanding Officer of the accused person may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness who is subject to this Act, the summons shall be sent to his Commanding Officer and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be, or resides, and such Magistrate shall give effect to the summons as if the witness were required in the court of such a Magistrate.

(4) When a witness is required to produce any particular dodument or other thing in his possession or power, the summons shall describe it with reasonable precision.

80. *Documents exempted from production.*—(1) Nothing in Section 79 shall be deemed to affect the operation of Sections 123 and 124 of the Indian Evidence Act, 1872, (1 of 1872) or to apply to any letter, post card, telegram or other document in the custody of the postal or telegraph authorities.

(2) If any document in such custody is, in the opinion of any Chief Judicial Magistrate, Chief Metropolitan Magistrate, Court of Session or High Court, wanted for the purpose of any Coast Guard Court, such Magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

(3) If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police or District Superintendent of Police wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause such search to be made for, and to detain such document pending the orders of any such Chief Judicial Magistrate, Chief Metropolitan Magistrate Court of Session or High Court.

81. *Commissions for examination of witnesses.*—(1) Whenever, in the course of a trial by a Coast Guard Court, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Chief Law Officer in order that a commission to take the evidence of such witness may be issued.

(2) The Chief Law Officer may then, if he thinks necessary, issue a commission to any Metropolitan Magistrate or Judicial Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(3) The Magistrate to whom the commission is issued, or, if he is the Chief Metropolitan Magistrate or Chief Judicial Magistrate, he or such Metropolitan Magistrate or Judicial Magistrate of the first class as he appoints in this behalf shall proceed to the place where the witness is, or shall summon the witness before him and shall take down his evidence in the same manner, and may, for this purpose, exercise the same powers, as in the trials of warrant-cases under the Code of Criminal Procedure, 1973 (2 of 1974).

(4) When the witness resides in any place outside India, the commission may be issued in the form and manner specified in sub-section (3) of Section 285 of the Code of Criminal Procedure, 1973 (2 of 1974).

82. *Examination of a witness on commission.*—(1) prosecutor and the accused person in any case in which a commission is issued under Section 81 may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the Magistrate executing the commission shall examine the witness upon such interrogatories.

(2) The prosecutor and the accused person may appear before such Magistrate by counsel, or except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine, as the case may be, the said witness.

(3) After a commission issued under Section 81 has been duly executed, it shall be returned together with the deposition of the witness examined thereunder to the Chief Law Officer.

(4) On receipt of a commission, and deposition returned under sub-section (3), the Chief Law Officer shall forward the same to the Coast Guard Court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

(5) In every case in which a commission is issued under Section 81, the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

83. *Alternative findings.*—If an accused is charged before a Coast Guard Court with one offence and it appears in evidence that he committed a different offence, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

84. *Presumption as to signatures.*—In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the service of the Government shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

85. *Enrolment paper.*—(1) Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given.

(2) The enrolment of such person may be proved by the production of the original or a copy of his enrolment paper pur-

porting to be certified to be a true copy by the officer having the custody of the enrolment paper.

86. *Presumption as to certain documents.*—(1) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from, any unit or ship of the Coast Guard, or respecting the circumstances of any person not having served in, or belonged to, any unit or ship if purporting to be signed by or on behalf of the Central Government or the Director-General, or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

(2) A Coast Guard List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers therein mentioned, and of any appointment held by them and of the unit or ship of the Coast Guard to which they belong.

(3) Where a record is made in the books of a ship in pursuance of this Act or any rule or otherwise in the discharge of official duties, and purports to be signed by the Commanding Officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(4) A copy of any record in the books of a ship purporting to be certified to be a true copy by the officer having custody of such books shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of any officer or other person subject to this Act or any unit or ship of the Coast Guard, or has been apprehended by such officer or person, a certificate purporting to be signed by such officer, or by the Commanding Officer of the unit or ship to which such person belongs, as the case may be, and stating the fact, date and place of such surrender or apprehension, and the manner in which he was dressed shall be evidence of the matters so stated.

(6) Where any person subject to this Act is being tried on a charge of desertion or of improperly leaving a ship or of absence

without leave and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating the fact, date and place of such surrender or apprehension and the manner in which he was dressed shall be evidence of the matters so stated.

(7) Any document purporting to be a report under the hand of a Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report, may be used as evidence in any proceeding under this Act.

Explanaton.—In this section, the term "books of a ship" shall include any official book, document or list purporting to contain the name or names of persons appointed to the ship.

87. *Evidence of previous convictions and general character.*—(1) When any person subject to this Act has been convicted by a Coast Guard Court of any offence, such court may inquire into, and receive, and record evidence of any previous convictions of such person, either by a Coast Guard Court or by a criminal court, or any previous award of punishment under Section 57, and may further inquire into and record the general character of such person and such other matters as may be prescribed.

(2) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, books of Coast Guard Courts or other official records; and it shall not be necessary to give notice before trial to the person tried, that evidence as to his previous convictions or character will be received.

88. *Lunacy of accused.*—(1) Whenever, in the course of a trial by a Coast Guard Court, it appears to the court that the person charged is by reason of unsoundness of mind incapable of making his defence, or that he committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong or contrary to law, the court shall record a finding accordingly.

(2) The presiding officer of the Coast Guard Court shall forthwith report the case to the convening authority.

(3) The convening authority to whom the finding of a Coast Guard Court is reported under sub-section (2) shall order the accused person to be kept in custody in the prescribed manner and shall report the case for the orders of the Central Government.

(4) On receipt of a report under sub-section (3), the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

89. *Subsequent fitness of lunatic accused for trial.*—Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under Section 88, any officer prescribed in this behalf, may,—

(*a*) If such person is in custody under sub-section (3) of Section 88, on the report of a medical officer that he is capable of making his defence, or

(*b*) if such person is detained in jail under sub-section (4) of Section 88, on a certificate of the Inspector-General of Prisons, and-if such person is detained in a lunatic asylum under the said sub-section, on a certificate of any two or more of the visitors of such asylum and if he is detained in any other place under that sub-section, on a certificate of the prescribed authority, that he is capable of making his defence,

take steps to have such person tried by the same or another Coast Guard Court for the offence with which he was originally charged, or, if the offence is a civil offence by a criminal court.

90. *Transmission to Central Government of orders under Section* 89.—A copy of every order made by an officer under Section 89 for the trial of the accused shall forthwith be sent the Central Government.

91. *Release of lunatic accused.*—Where any person is in custody under sub-section (3) of Section 88 or under detention under sub-section (4) of that section,—

(*a*) if such person is in custody under the said sub-section (3), on the report of the medical officer, or (*b*) if such person is detained under the said sub-section (4), on a certificate from any of the authorities mentioned in clause (b) of Section 89 that in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person,

the Central Government may order that such person be released or detained in custody, or transferred to a public lunatic asylum if he has not already been sent to such asylum.

92. *Delivery of lunatic accused to relatives.*—Where any relative or friend of any person who is in custody under sub-section (3) of section 88 or under detention under sub-section (4) of that section desires that he should be delivered to his care and custody, the Central Government may, upon application by such relative or friend and, on his giving security to the satisfaction of that Government, that the person delivered shall be properly taken care of, and, prevented from doing injury to himself or to any other person, and be produced for the inspection of such officer, and at such times and places, as the Central Government may direct, order such person to be delivered to such relative or friend.

93. *Order for custody and disposal of property pending trial.*—When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a Coast Guard Court during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

94. *Order for disposal of property regarding which offence is committed.*— (1) After the conclusion of a trial before a Coast Guard Court, an officer not below the rank of a Deputy Inspector-General within whose command the trial was held, may make such order as he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document

produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a Magistrate within whose jurisdiction such property for the time being is situated, and such Magistrate shall thereupon cause the order to be carried out into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) In this section, the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

95. *Powers of Coast Guard Court in relation to proceedings under this Act.*—Any trial by a Coast Guard Court under the provisions of this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 (45 of 1860) of the Indian Penal Code and the Coast Guard Court shall be deemed to be a court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER IX

EXECUTION AND SUSPENSION OF SENTENCES

96. *Form of sentence of death.*—In awarding a sentence of death, a Coast Guard Court shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead or shall suffer death by being shot to death.

97. *Interim custody until execution of sentence of death.*—A person sentenced to death may be detained in Coast Guard

custody or may be removed to a civil prison to be kept in custody until further orders are received from the Central Government, the Director General or the convening authority of the Coast Guard Court by which he was sentenced to death or other prescirbed officer, and the order of the Central Government, the Director-General or the convening authority or such officer shall be sufficient warrant for detaining the person in custody.

98. *Execution of sentence of death.*—(1) When a sentence of death is to be executed, the Director-General or the convening authority or the prescribed officer shall give directions as to the time, place and manner in which such sentence is to be carried out and the order of such officer or authority in the prescribed form shall be sufficient warrant for the execution of such sentence.

(2) There shall be attached to the prescribed form, an order of the Central Government certifying the confirmation of the sentence by the Central Government.

99. *Commencement of sentence of imprisonment or detention.*—Whenever any person is sentenced under this Act to imprisonment or detention, the term of the sentence shall be reckoned to commence on the date on which the sentence was awarded.

100. *Execution of sentence of imprisonment.*—(1) Whenever any sentence of death is commuted to imprisonment, the presiding officer of the Coast Guard Court which passed the sentence or such other officer as may be prescribed shall direct that the sentence shall be carried out by confinement in a civil prison.

(2) When a direction has been made under sub-section (1), the Commanding Officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

101. *Temporary custody of offender.*—Where a sentence of imprisonment is directed to be undergone in a civil prison, the

offender may be kept in Coast Guard custody or in any other fit place, till such time as it is possible to send him to a civil prison.

102. *Conveyance of prisoner from place to place.*—A person under sentence of imprisonment may during his conveyance from place to place, or when on board a ship, aircraft or otherwise, be subject to such restraint as is necessary for his safe conduct and removal.

103. *Communication of certain orders to prison officers.*—Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil prison, a warrant in accordance with such order shall be forwarded by the officer making the order or his staff officer or such person as may be prescribed, to the officer in charge of the prison in which such person is confined.

104. *Execution of sentence of fine.*—When a sentence of fine is imposed by a Coast Guard Court under Section 53, a copy of such sentence signed and certified by the presiding officer of the court may be sent to any Magistrate in India and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1973, (2 of 1974) as if it were a sentence of fine imposed by such Magistrate.

105. *Informality or error in the order or warrant.*—Whenever any person is sentenced to imprisonment under this Act, and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursuance of this Act, the confinement of such person shall not be deemed to be illegal only by reason of any informality or error in, or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into, or is confined in any such place, and any such order, warrant or document may be amended accordingly.

106. *Imprisonment or detention of offender already under sentence.*—Whenever a sentence is passed by a Coast Guard Court on a person already under sentence either of imprisonment or detention passed on him under this Act for a former offence, the court may award a sentence of imprisonment or detention for the offence for which he is under trial to commence at the expiration of the sentence of imprisonment or detention to which he has been previously sentenced:

Provided that so much of any term of detention imposed on a person by a sentence in pursuance of this section as will prolong the total term of detention beyond two years shall be deemed to be remitted.

107. *Suspension of sentence of imprisonment or detention.*—(1) Where a person subject to this Act is sentenced to imprisonment or detention, the Central Government, the Director-General, the Commanding Officer imposing the sentence or any prescribed officer may suspend the sentence whether or not the offender has already been committed to prison or to Coast Guard custody.

(2) The authority or officer specified in sub-section (1) may, in the case of an offender so sentenced, direct that until the orders of such authority or officer have been obtained, the offender shall not be committed to prison or to Coast Guard custody.

(3) The powers conferred by sub-sections (1) and (2) may be exercised in the case of any such sentence which has been reduced or commuted.

108. *Release on suspension.*—Where a sentence is suspended under Section 107, the offender shall forthwith be released from custody.

109. *Computation of period of suspension.*—Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

derogation of, the power of mitigation, remission and commutation.

114. *Effect of suspension and remission on dismissal.*—(1) Where in addition to any other sentence, the punishment of dismissal has been awarded under this Act and such other sentence is suspended under Section 107, then, such dismissal shall not take effect until so ordered by the authority or officer specified in Section 107.

(2) If such other sentence is remitted under Section **110**, the punishment of dismissal shall also be remitted.

CHAPTER X

CHIEF LAW OFFICER AND LAW OFFICERS

115. *Appointment of Chief Law Officer and Law Officers.*—(1) There shall be appointed by the Central Government, a Chief Law Officer and as many Law Officers as the Central Government may deem necessary.

(2) A person shall not be qualified for appointment as Chief Law Officer unless he—

(*a*) is a citizen of India; and

(*b*) has for at least ten years held a judicial office in the territory of India; or

(*c*) has for at least ten years been an advocate of a High Court or two or more such Courts in succession:

Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do in the exigencies of service, relax, for reasons to be recorded in writing, the qualification specified in clause (*b*) or clause (*c*) in respect of any person.

(3) A person shall not be qualified for appointment as Law Officer unless he—

(*a*) is a citizen of India, and

(*b*) is qualified for enrolment as an advocate of a High Court.

Explanation.—For the purposes of this section,—

(*a*) in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which the person has held a judicial office after he became an advocate;

(*b*) the expression "judicial office" shall be deemed to include the post of Law Officer.

116. *Functions of Chief Law Officer.*—(1) It shall be the duty of the Chief Law Officer to perform such duties of a legal and judicial character pertaining to the Coast Guard as may, from time to time, be referred or assigned to him by the Central Government or the Director-General, and to discharge the functions conferred on him by or under this Act.

(2) The functions of the Chief Law Officer shall, in his absence or otherwise, be performed by such Law Officer as may be designated in this behalf by the Director-General.

CHAPTER XI

JUDICIAL REVIEW OF PROCEEDINGS OF COAST GUARD COURTS

117. *Judical review by the Chief Law Officer.*—(1) All proceedings of trials by Coast Guard Courts shall be reviewed by the Chief Officer either on his own motion or on application made to him within the prescribed time by any person aggrieved by any sentence or finding, and the Chief Law Officer shall transmit the report of such review together with such recommendations as may apear to him just and proper to the Director-General for his consideration and for such action as the Director-General may think fit,

(2) Where any person aggrieved has made an application under sub-section (1), the Chief Law Officer may, if the circumstances of the case so require, give him an opportunity of being heard either in person or through a legal practitioner or an officer of the Coast Guard.

118. *Consideration by the Director General.*—(1) On receipt of the report and recommendations, if any, under

section 117, the Director-General shall in all cases of sentences of death, and in all cases where the Coast Guard Court is convened by the Central Government, and may, in other cases, transmit the proceedings and the report to the Central Government together with such recommendations as he may deem fit to make.

(2) Nothing in section 117 or this section shall authorise the Chief Law Officer or the Director-General to make any recommendation for setting aside, or the Central Government to set aside, an order of acquittal passed under this Act.

CHAPTER XII

MODIFICATION OF FINDINGS AND SENTENCES, PARDONS, COMMUTATION AND REMISSION OF SENTENCES

119. *Petitions to Central Government or Director-General against findings and sentences.*—Any person subject to this Act who considers himself aggrieved by a finding or sentence of any Coast Guard Court may present a petition to the Central Government or to the Director-General, and the Central Government or the Director General, as the case may be, may pass such orders thereon as it or he may think fit.

120. *Powers of Central Government and Director-General in respect of findings and sentences.*—(1) Where any person is tried under the provisions of this Act, the Central Government or the Director-General may, in the case of a conviction,—

(a) set aside the finding and sentence and acquit or discharge the accused or order him to be re-tried; or

(b) alter the finding without modifying the sentence if such sentence may be legally passed on the altered finding; or

(c) with or without altering the finding, reduce the sentence or commute the punishment awarded for any punishment inferior in scale; or

(d) either with or without conditions, pardon the person or remit the whole or any part of the punishment awarded; or

(e) with or without conditons release the person on parole:

Provided that a sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment awarded:

Provided further that nothing in this sub-section shall authorise the Central Government or the Director-General to enhance the sentence.

(2) Any sentence modified under the provisions of sub-Section (1) shall be carried into execution as if it had been originally passed.

(3) If any condition on which a person has been pardoned or has been released on parole or a punishment has been remitted is in the opinion of the authority which granted the pardon, release or remission not fulfilled, such authority may cancel the pardon or release or remission and thereupon the sentence awarded shall be carried into effect as if such pardon, release or remission had not been granted;

Provided that in the case of a person sentenced to imprisonment or detention, such person shall undergo only the unexpired portion of the sentence.

CHAPTER XII

MISCELLANEOUS

121. *Powers and duties conferrable and imposable on members of the Coast Guard.*—(1) The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such inland area adjourning the coast of India, as may be specified in the order, any member of the Coast Guard may,—

(i) for the purpose of prevention of any offence punishable under the Passport (Entry into India) Act, 1920, (34 of 1920), the Emigration Act, 1922, (7 of 1922) the Registration of Foreigners Act, 1939, (16 of 1939), the Foreigners Act, 1946, (31

(e) with or without conditons release the person on parole:

Provided that a sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment awarded:

Provided further that nothing in this sub-section shall authorise the Central Government or the Director-General to enhance the sentence.

(2) Any sentence modified under the provisions of sub-Section (1) shall be carried into execution as if it had been originally passed.

(3) If any condition on which a person has been pardoned or has been released on parole or a punishment has been remitted is in the opinion of the authority which granted the pardon, release or remission not fulfilled, such authority may cancel the pardon or release or remission and thereupon the sentence awarded shall be carried into effect as if such pardon, release or remission had not been granted;

Provided that in the case of a person sentenced to imprisonment or detention, such person shall undergo only the unexpired portion of the sentence.

CHAPTER XII

MISCELLANEOUS

121. *Powers and duties conferrable and imposable on members of the Coast Guard.*—(1) The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such inland area adjourning the coast of India, as may be specified in the order, any member of the Coast Guard may,—

(i) for the purpose of prevention of any offence punishable under the Passport (Entry into India) Act, 1920, (34 of 1920), the Emigration Act, 1922, (7 of 1922) the Registration of Foreigners Act, 1939, (16 of 1939), the Foreigners Act, 1946, (31 of 1946), the Merchant Shipping Act, 1958, (44 of 1958), the Customs Act, 1962 (52 of 1962), the Passports Act, 1967, (15 of 1967), the Foreign Exchange Regulation Act, 1973, (46 of 1973) or the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, (80 of 1976), or of any cognizable offence punishable under any other Central Act; or

(ii) for the purpose of apprehending any person who has committed any offence referred to in clause (i),

exercise or discharge such of the powers or duties under that Act or any other Central Act as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government, an officer of the corresponding or lower rank is by that or such other Act empowered to exercise or discharge for the said purposes.

(2) The Central Government may, by general or special order published in the Official Gazette, direct, with the concurrence of the State Government concerned, that any of the powers or duties which may be exercised or discharged under a State Act by a police officer may, subject to such conditions and limitations, and within the local limits of such inland area adjoining the coast of India, as may be specified in the order, be exercised or discharged by a member of the Coast Guard who, in the opinion of the Central Government, holds a corresponding or higher rank.

(3) The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such area in any maritime zone of India, as may be specified in the order, any member of the Coast Guard may,—

(i) for the purpose of prevention of any offence punishable under any enactment which extends for the time being to such area; or

(ii) for the purpose of apprehending any person who has committed any offence referred to in clause (i),

exercise or discharge such of the powers or duties under that enactment, as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government, an officer of the corresponding or lower rank is by that enactment empowered to exercise or discharge for the said purposes.

(4) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

122. *Protection for acts of members of the Coast Guard.*—(1) In any suit or proceeding against any member of the Coast Guard for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the Coast Guard shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding (whether civil or criminal) which may lawfully be brought against any member of the Coast Guard for anything done or intended to be done under the powers conferred by, or in pursuance of any provision of this Act or the rules, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior

officer at least one month before the commencement of such proceeding.

123. *Power to make rules.*—(1) The Central Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the constitution, governance, command and discipline of the Coast Guard;

(b) the enrolment of persons to the Coast Guard and the recruitment of other members of the Coast Guard;

(c) the condition of service (including service privileges and deductions from pay and allowances) of members of the Coast Guard;

(d) the rank, precedence, powers of command and authority of the officers, subordinate officers and other enrolled persons;

(e) the removal, retirement, release or discharge from the service of officers, subordinate officers and other enrolled persons;

(f) the purposes and other matters required to be prescribed under section 13;

(g) the additional matters in respect of which the Coast Guard may undertake measures in the performance of its functions;

(h) the convening, constitution, adjournment, dissolution and sittings of Coast Guard Courts, the procedure to be observed in trials by such courts, the persons by whom an accused may be defendant in such trials and the appearance of such persons threat;

(i) the forms of orders to be made under the provisions of this Act relating to Coast Guard Courts and the awards and infliction of death, imprisonment and detention;

(j) the carrying into effect of sentences of Coast Guard Courts;

officer at least one month before the commencement of such proceeding.

123. *Power to make rules.*—(1) The Central Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the constitution, governance, command and discipline of the Coast Guard;

(b) the enrolment of persons to the Coast Guard and the recruitment of other members of the Coast Guard;

(c) the condition of service (including service privileges and deductions from pay and allowances) of members of the Coast Guard;

(d) the rank, precedence, powers of command and authority of the officers, subordinate officers and other enrolled persons;

(e) the removal, retirement, release or discharge from the service of officers, subordinate officers and other enrolled persons;

(f) the purposes and other matters required to be prescribed under section 13;

(g) the additional matters in respect of which the Coast Guard may undertake measures in the performance of its functions;

(h) the convening, constitution, adjournment, dissolution and sittings of Coast Guard Courts, the procedure to be observed in trials by such courts, the persons by whom an accused may be defendant in such trials and the appearance of such persons threat;

(i) the forms of orders to be made under the provisions of this Act relating to Coast Guard Courts and the awards and infliction of death, imprisonment and detention;

(j) the carrying into effect of sentences of Coast Guard Courts;

(k) any matter necessary for the purpose of carrying this Act into execution, as far as it relates to the investigation, arrest, custody, trial and punishment of offences triable or punishable under this Act;

(l) the procedure relating to the exercise of powers under Section 120;

(m) the ceremonials to be observed and marks of respect to be paid in the Coast Guard;

(n) any other matter which is to be, or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary for the proper implementation of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—1-B

BANGALORE, THURSDAY, MAY 11, 1978
(VAISHAKHA 21, SAKA ERA 1900). | No 765

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 26 LCA 78, Bangalore, dated 11th May 1978.

Ordered that the Constitution (Forty-third Amendment) Act, 1977 published in Part II, Section 1 of the **Gazette of India,** Extraordinary, dated 13th April, 1978 be republished in the **Karnataka Gazette** for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

Assented to on 13th April 1978

THE CONSTITUTION (FORTY-THIRD AMENDMENT) ACT, 1977

AN
ACT

further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Constitution (Forty-third Amendment) Act, 1977.

2. **Omission of article 31D.**—Article 31D of the Constitution shall be omitted.

3. **Omission of article 32A.**—(1) Article 32A of the Constitution shall be omitted.

(2) Any proceedings pending before the Supreme Court under article 32 of the Constitution immediately before the commencement of this Act may be dealt with by the Supreme Court as if the said article 32A had been omitted with effect on and from the 1st day of February, 1977.

4. **Omission of article 131A.**—(1) Article 131A of the Constitution shall be omitted.

(2) Notwithstanding anything contained in sub-section (1), where immediately before the commencement of this Act any reference made by a High Court under the said article 131A is pending before the Supreme Court, the Supreme Court may, having regard to—

(a) the stage at which the reference is so pending; and

(b) the ends of justice,

either deal with the case as if that article had not been omitted or return the case to the High Court for disposal as if that article had been omitted with effect on and from the 1st day of February, 1977.

5. Omission of article 144A.—(1) Article 144A of the Constitution shall be omitted.

(2) Any case pending before the Supreme Court immediately before the commencement of this Act may be dealt with by the Supreme Court as if the said article 144A had been omitted with effect on and from the 1st day of February, 1977.

6. Amendment of article 145.—In article 145 of the Constitution,—

(a) in clause (1), in sub-clause (cc), for the words, figures and letters " articles 131A and 139A ", the word, figures and letter " article 139A " shall be substituted;

(b) in clause (2), the words, figures and letter " article 144A and of " shall be omitted;

(c) in clause (3), the words, figures and letter " Subject to the provisions of article 144A, " shall be omitted.

7. Amendment of article 226.—In article 226 of the Constitution in clause (1), the words, figures and letters " but subject to the provisions of article 131A and article 226A " shall be omitted.

8. Omission of article 226A.—(1) Article 226A of the Constitution shall be omitted.

(2) Any proceedings pending before a High Court under article 226 of the Constitution immediately before the commencement of this Act may be dealt with by the High Court as if the said article 226A had been omitted with effect on and from the 1st day of February, 1977.

9. Amendment of article 228.—In article 228 of the Constitution, in the opening portion, the words, figures and letter ", subject to the provisions of article 131A," shall be omitted.

10. Omission of article 228A.—(1) Article 228A of the Constitution shall be omitted.

(2) Any case pending before a High Court immediately before the commencement of this Act may be dealt with by the High Court as if the said article 228A had been omitted with effect on and from the 1st day of February, 1977.

11. Amendment of article 366.—In article 366 of the Constitution, clause (4A) and clause (26A) shall be omitted.

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PART IV

1-B 1-C

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 14 SPS 76

Bangalore, dated 3rd January 1978.

The Government of India, Ministry of Home Affairs Notification No. 1-18012/12/77-IPS, dated 27-12-1977 is republished hereunder for information

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No. 1-18012/12/77-IPS

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi-110001, the 27th December 1977

NOTIFICATION

In exercise of the powers conferred by Rule 3A of the Indian Police Service (probation) Rules, 1954, the President is pleased to confirm, in the Indian Police Service, the following members of the Indian Police Service allocated to the cadre of Karnataka with effect from the dates as under :—

SL. No.	Name of the Officer		Date of confirmation in the IPS
	S/Shri		
1.	S. S. Pavate	...	12-1-1974
2.	P. Rama Rao	...	12-3-1977
3.	B. M. Uthappa	...	12-3-1977
4.	Basavautharao Patil	...	3-5-1977
5.	S. R. Narahari Sastry	...	6-5-1977

Sd/-

A. JAYARAMAN,

Under Secretary to the Govt. of India.

By Order and in the name of the President of India,

M. M NAIK,

Under Secretary to Government,

DPAR (Services-I).

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Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

GOVERNMENT OF KARNATAKA

FINANCE SECRETARIAT

No. FD 4 R & I 78, dated 12th January 1978

From

The Financial Commissioner and
Secretary to Government, Finance Department.

The Secretaries to Government,
and the Heads of Departments.

Sir, *Sub*—Tax deducted at source and accounting of the collections of Sur-charge (Union)—Instructions regarding—

I am directed to forward herewith a copy of Official Memorandum No. F. No. 275/23/77-IT (B), dated 18th October 1977 from the Deputy Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi, for information and necessary action.

Suitable instructions may also be issued to all the subordinate officers of your Department in this behalf.

Yours faithfully,

C SIVANNA

Under Secretary to Government,
Finance Department (Services).

F. No. 275/23/77-IT (B)

GOVERNMENT OF INDIA

Ministry of Finance, Department of Revenue

New Delhi, the 18th October, 1977.

OFFICE MEMORANDUM

Sub :—Tax deducted at source and accounting of the collections of sur-charge (Union)—Instructions regarding—

The undersigned is directed to say that according to the existing procedure outlined in Board's O.M. No. 101/1/76-CCA, dated the 23rd December, 1976, the Ministries/Departments of the Central Government were requested to furnish, every month, the consolidated figures of tax deducted at source under the various major, minor and sub-heads of accounts to the Commissioner of Income-tax, Delhi-I, New Delhi.

2. A perusal of the statements received from the Principal Accounts Officers reveals that the amount of Sur-charge (Union), wherever levied under the Finance Act of the relevant year, is not being shown by some of them correctly. While the amount of Income-tax (excluding tax on Union Emoluments) deducted from persons other than companies is divisible between the Union and the States, the proceeds of Sur-charge (Union) do not form part of divisible pool and are meant for the Central Government. Even otherwise there is a great need for correct classification of the amount of tax deducted at source by way of Sur-charge (Union). The Public Accounts Committee has also, time and again, underlined the need for correct classification of Sur-charge (Union) in the reports submitted by the Committee to the Parliament.

3. All the Ministries/Departments are, therefore, requested to instruct the Drawing and Disbursing Officers under their control that Sur-charge (Union) is deducted by them correctly and is shown distinctly in the bills prepared and sent by them to the Pay and Accounts Officers or their Field Pay Units for authorising the payment. The Pay and Accounts Officers and their Field Pay Units may be instructed to ensure, before authorising the payment, that the amount of Income-tax and Sur-charge (Union) have been correctly shown in the bill.

4. According to the procedure followed by some of the Drawing and Disbursing Officers, it appears that the Sur-charge (Union) payable by the employees is worked out towards the end of the Financial Year and the Sur-charge (Union) so worked out is deducted in the last pay bill of this Financial Year. As the procedure does not enable the Pay and Accounts Officers to keep a watch over correct classification of the Sur-charge (Union), the Ministries/Departments are requested to instruct the Drawing and Disbursing Officers under their control that Sur-charge should invariably be indicated in all the bills in which Income-tax is deducted at source. Thus, for example, if Rs. 10 is deducted as Income-tax in respect of an employee in the monthly pay bill, the Sur-charge (Union) worked out on that amount (*i. e.*, 15% of the amount) which comes to Rs. 1.50 should also be deducted alongwith Income-tax and shown in the monthly bills under separate heads. Irregularities if any, coming to the notice of the Pay and Accounts Officers should be brought to the notice of Drawing and Disbursing Officers and urgent rectificatory action should be taken within the same financial year to adjust any excess or deficiency in the case of the employees from whose income any deduction of tax is made.

5. Even with regard to other payments such as Interest on Securities, Lottery prizes, etc., where Sur-charge (Union) is required to be deducted alongwith Income-tax, the Drawing and Disbursing Officers/Pay and Accounts Officers may be instructed to ensure that the amounts of Income-tax and Sur-charge (Union) are shown separately and correct deductions made.

6. A copy of the instructions issued in the matter may please be endorsed to this office. The State Governments, Central Government/State Government undertakings and Government companies are also requested to issue simliar instructions to their Drawing and Disbursing Officers/Treasury Officers/Pay and Accounts Officers.

(Sd.) S. R. WADHWA,

G.S.R.— *Deputy Secretary to the Government of India.*

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 123 SAS 77

Bangalore dated, 12th January 1978

The Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms' Notification No. 14012/8/77-AIS (III) dated 29th December 1977 is republished as hereunder:

No. 14012/8/77-AIS (III).
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi-110001 *dated the 29th December 1977*

NOTIFICATION

In exercise of the powers conferred by rule 34 of the Indian Administrative Service (Probation) Rules. 1954, the President is pleased to confirm, in the Indian Administrative Service, the following members of the Indian Administrative Service borne on the State Cadre of Karnataka with effect from the date shown against each:

1.	Shri S. V. Ranganath	13-7-1977
2.	Shri Vijay Devasher	13-7-1977

3.	Shri Richard Crasta	14-7-1977
4.	Shrimathi Tara Ajai Singh	13-7-1977
5.	Shri Abhijit Dasgupta	13-7-1977
6.	Shri Vinay Kumar	13-7-1977
7,	Shri T. Dhanashekaran	14-7-1977

Sd-
R. L. AGARWAL,
Under Secretary to the Government of India.

By Order and in the name of the President of India,

M. M. NAIK,
Under Secretary to Government,
D. P. A. R. (Services-I)

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 262 SAS 77.
Bangalore, dated 17th January 1978

The Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms' Notification No. 14013/1/77-AIS (III) dated 4th January 1978 is republished as hereunder :

No. 14013/1/77-AIS (III)

GOVERNMENT OF INDIA/BHARAT SARKAR

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

(Department of Personnel and Administrative Reforms)
(Karmik Aur Prashasnik Sudhar Vibhag)
New Delhi-110001 dated 4th January 1978.

NOTIFICATION

In exercise of the powers conferred by rule 3A of the Indian Administrative Service (Probation) Rules, 1954, the President is pleased to confirm, in the Indian Administrative Service Shri M. Aryamitra, a member of the Indian Administrative Service borne on the State Cadre of Karnataka with effect from the 28th September 1977.

Sd/-

R. L. AGGARWAL,
Under Secretary to the Govt. of India.

By Order and in the name of the President of India,

M. M. NAIK,
Under Secretary to Government,
Dept. of Personnel and Administrative Reforms,
(Services-I).

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

FOOD AND FOREST SECRETARIAT

Notification No. FFD 4 FCS 78

Bangalore dated 7th February 1978

Ordered that the accompanying Resolution No, P 20028/3/77-PPD Vol. II dated 16th December 1977 of the Government of India, Ministry of Petroleum, New Delhi. on the report of oil Prices Committee November, 1976 published in the Government of India, be republished in *Karnataka Gazette* for general information.

By Order and in the name of the President of India,

K. A. PADMASALI,
Under Secretary to Government,
Food and Forest Department.

No. P 20028/3/77-PPD(Vol. II)

GOVERNMENT OF INDIA

(Bharat Sarkar)

Ministry of Petroleum

(Petroleum Mantralaya)

RESOLUTION

New Delhi, dated the 16th December 1977

The Government of India set up an Oil Prices Committee (herein after referred to as the OPC), under the Chairmanship of Dr. K.S, Krishnaswamy, Deputy Governor, Reserve Bank of India, to recommend general principles of pricing policy of Petroleum products and on other connected matters, in its Resoluation dated the 16th March 1974. The OPC submitted its Interim Report in January 1975 and the decisions of the Government were contained in the Government Resolution dated the 14th July, 1975. The OPC submitted its final report in November, 1976. This has been considered and the decision of the Government on the major recommendations, in so far as they modify the earlier decisions or cover new ground are given below·

2. The prinicíples of "import parity" has been discontinued as a basis for the pricing of indigenous crude oil and refined petroleum products.

3.1. A price of Rs. 41.44/bbl of indigenous (onshore) crude oil of 34° API subject to gravity escalation, and inclusive of the increased royalty and the oil development cess, has been approved, taking into account the data on the cost of production updated by the OPC. A price of Rs. 58.84/bbl of indigenous (offshore) crude oil (Bombay High) has been approved, inclusive of the increased royalty on indigenous crude and the oil development cess. In approving these prices, Government has kept in view the facts that a sizeable portion of our requirements of crude oil and deficit products, the prices of which are rising, are still imported and the need to maintain the priceline to the maximum extent.

3.2. It has also been decided that fluctuations in the rate of dollar/rupee exchange would not affect the prices, although gravity escalations would be allowed.

4. A system of retention prices for each product and for each refinery has been introduced with effect from 16th December 1977 on the basis of the latest cost data available, including a revised pool price of crude oil and norms and parameters worked out by the OPC. in calculating the retention prices a return of 15% (Gross) on the total capital employed (Income-Tax depreciated net fixed assets plus working capital) has been allowed.

5 1. For the oil marketing companies, the Interim Report had employed the traditional method of the weighted average of the marketing and distribution costs of the major units to determine the marketing and distribution margins for the industry as sufficient data was not available at that time. In the final report, the OPC has recommended that the concept of retention margins being followed for refinery companies should be extended to the marketing operations as well. This recommendation has been accepted. The retention marketing margins for each product for the individual oil companies have been worked out after taking into account their latest cost and other operating data. The weighted average has been included in the price build-up so that prices to consumers would be uniform whether sold by one company to another, and the difference between the retention margins due to each individual oil company and those included in the price of a petroleum product would be adjusted through the pool accounts.

5 2. For the orderly growth of the oil companies in the public sector and for the full utilisation of the facilities with each of the oil companies, the marketing share of each company would be determined by the Government and a system introduced to govern sales volume and recovery of marketing margins.

5.3 The determination of retention prices of margins does not mean that all costs would be recognised and reimbursed. There would be a built-in mechanism whereby in-efficiencies would be penalised and efficiencies rewarded. Any deterioration in marketing efficiency or shortfall in the volume of sale from the levels anticipated, would not, ipso, facto, call for any adjustment of retention margins.

5.4 In working out the retention margins, a return of 15% (gross) on total capital employed (Income-tax depreciated net fixed assets plus working capital) has been allowed.

6.1 Pool accounts are being maintained to ensure that an arrangement based on retention prices/margins, various units are reimbursed costs as experienced by each, subject to certain norms. Based on the final report of the OPC, the scope and content of these accounts would be determined.

6.2 It has been decided that pool funds would be kept in the Public Account of India in place of the present practice of Keeping them as deposits in commercial banks. This will ensure the audit of the pool accounts by the Comptroller and Auditor General of India.

7 The decision of the Government on dealers' Commission on motor spirit, high speed diesel oil, kerosene oil and light diesel oil are already contained in Resolution dated 22nd June 1976. The rates of commission and slabs were subsequently revised on the basis of the final report.

8.1 Lube base stocks are the principal raw material in the manufacture of finished lubricating oils and greases, A system of retention prices of lube base stock for individual lube plants on the basis of the latest cost data available and revised norms and parameters will be introduced as in the case of finished petroleum products. Uniform exrefinery prices have been determined on the basis of the weighted average retention prices of lube plants for all lube base stocks classified into three categories viz. LVI base stocks, HVI/Bright stocks and Turbine oils. As in the case of fuel products the difference between the ex-refinery aud retention prices would be adjusted in the pool accounts.

8.2. There has been no price formulation, so far, for finished lubricants and greases, prices of which have been controlled under the system of lube "block control", as recommended by previous pricing committees, In this system, the oil companies recovered the actual costs themselves and fixed selling prices of individual products in such a manner that taking all grades together, their recovery towards marketing/distribution charges and profits during a financial year did not exceed the ceilings laid down from time to time. In the changed situation viz., that the country is nearly self sufficient in lube base stocks and in the supply of additives packages and almost the entire oil industry is now in the public sector, it has been decided to determine ceiling selling prices for automotive lubes and non-additive secondary grade lube oils, which account for about 70% of the total sale of lubes and greases in the country. This would bring down the selling prices of the commonly used automitive lubes, although there would be some marginal increases for superior grade lubes.

8.3. For the balance of about 30% of lubes and greases, which are mostly industrial grades the prices will for the time being stand at the existing levels and will be operated through a modified and improved form of block control mechanism providing, inter-alia, new norms and parameters to the extent possible for certain elements of cost such as blending charges, marketing margins, packaging etc.

9. On the recommendation of the Interim Report a number of products were, for the first time, brought under the pricing scheme. Certain other special products such as low sulphur heavy stock (LSHS), hot heavy stock (HHS), refinery gas, aromex, iomex. waxes, raw petroleum coke. calcined petroleum coke, carbon black feed stock, phenol extract, benzene and toluene will also be brought within the pricing scheme. It has been decided that these products would also hereafter be included like other products in the pool accounts pertaining to crude oil. The recommendations of the OPC on the selling prices of these products would be considered in due course.

10. The Committee has observed that several State Governments have levied sales taxes and surcharges which cannot be recovered from consumer prices and would, therefore, seriously affect the financial viability of the oil companies, when prices of their products are based on costs. Government has noted these observations. and is of the view that State Governments should discontinue such levies and may levy only recoverable levies. Until this is done, the various surcharges being added to the selling prices in the States concerned to compensate the oil companies, may continue and their rates reviewed from time to time.

11. The OPC has recommended escalation and adjustments in the pool accounts due to variations in actual costs over the norms and parameters included by them in the pricing structure. Besides other items of adjustment have also been spelt out such as capital cost and operating cost thereon for expanding facilities for supply of essential commodities such as Taluka Kerosene Depots and Farm Fuel Outlets, investment for minor projects towards improving the pattern of production and/or reducing the incidence of own consumption of fuel and loss etc. These recommendations have been accepted for adjustments in the pool account subject to the approval of Government.

12. The decisions herein contained will come into force with effect from 16th December, 1977 and will remain in force until further orders

13. In regard to some of the other recommendations of the Committee, the decision of Government will be announced in due course.

S. KRISHNASWAMI,
Secretary to the Government of India.

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ELECTION COMMISSION OF INDIA

ASHOKA ROAD,
New Delhi.

Dated the 10 February, 1978.

NOTIFICATION

No. 82/KT-LC/2/76(78).—In pursuance of section 111 of the Representation of the People Act, 1951, the Election Commission hereby publishes order dated the 17 January, 1978 of the High Court of Karnataka at Bangalore in Election Petition No. 2 of 1976.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated the 17th day of January, 1978

BEFORE

The Hon'ble Mr. Justice K. BHIMIAH,

Election Petition No. 2 of 1976

H. T. Somasekhara Reddy,
S/o B. V. Thimmarayappa,
aged about 43 years, residing at No. 810,
2nd Stage, Indiranagar, Bangalore ... *Petitioner*

(*Vs*).

1. The Returning Officer-*cum*-the District Electoral Officer for the Bangalore Graduates's Constituency, Karnataka Legislative Council and the Deputy Commissioner, Bangalore.
2. V. S. Krishna Iyer, major, residing at No. 23, (New No. 79), Shankarapura, Bangalore-4.
3. Gundaiah Setty, major, No. 330, Chandkula, 22nd Cross, 1st and 3rd East Block, Jayanagar, Bangalore. ... *Respondents*

Whereas the petitioner filed the Election Petition under section 81 of the Representation of the People Act 1951 (Act No. 43 of 1951) on 19th July 1976, praying that the election of respondents 2 and 3 as members of the Karnataka Legislative Council from the Bangalore Graduates Constituency, 1976 held on 6th June 1976 be declared as void and to award costs.

And whereas the petitioner filed an application on 26th August 1977 under Section 109 and 110 of the Representation of People Act, 1951 for leave of the Court to withdraw his petition.

The above petition along with the application is coming on the hearing on to-day the 17th January, 1978 and the court made the following.

ORDER

As directed by the order dated 28th September 1977, the notice of withdrawal has been published in the Gazette dated November 10, 1977, no person has applied to be substituted as petitioner in the place of the party withdrawing. Therefore, application granted for withdrawal of the Election Petition has become final. Report the fact of withdrawal of Election Petition to the Election Commission as required under Sec. 111 of the Representation of the People Act, 1951.

The petitioner is permitted to withdraw the deposit made by him in connection with this Election Petition. The petition is dismissed as withdrawn.

Sd/-

K. Bhimiah,
Judge.

"COPY"

Sd/-

I Assistant Registrar.

By order,

V. NAGASUBRAMANIAN,
Secretary to the Election Commission of India.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

Post Box No. 7100
Indraprastha Marg,
New Delhi 110002.
Dated 28th January 1978.

NOTIFICATION

(Chartered Accountants)

No. 1 CA (7)/74: In exercise of the powers conferred by sub-section (1) of Section 30 of the Chartered Accountants Act, 1949, (XXXVIII of 1949), the Council of the Institute of Chartered Accountants of India has made the following amendments to the Chartered Accountants Regulations, 1964, the same having been previously published and approved by the Central Government as required under sub-section (3) of the said section.

Post Graduate Course in Corporate Management in the said Regulations:—

I. In Regulation 179 dealing with "Higher training for members" the words "Schedules 'C' and 'D' " be substituted in place of the existing words "Schedule 'C' ".

II. After Schedule 'C' insert the following as Schedule 'D'—;

"SCHEDULE 'D' "

Post Graduate Training

1. *Corporate Management Course:*

The Corporate Management Course shall include a course of theoretical training and knowledge and a certificate in the appropriate Form shall be granted to those who qualify for the same, as hereinafter provided.

2. *Administration :*

Notwithstanding anything contained in Regulation 152, the Corporate Management Course shall be in charge of a Committee appointed by the Council for the purpose, whose functions shall include holding of the examination, admission thereto, appointment and selection of examiners prescription of books for the guidance of candidates, declaration of results and other allied matters.

3. *Admission to the Course :*

(1) No candidate shall be admitted to the course unless he is a member of the Institute.

(2) The course shall be divided into three parts. Parts I & II shall deal with written examinations in prescribed subjects and Part III with the submission of dissertation on any one of the areas specified by the Committee.

(3) Every candidate for admission to Parts I & II of the Course shall apply for registration at least 6 months before the commencement of the respective examination and shall pay a fee of one hundred rupees for each of the examinations.

(4) A candidate who has passed the part I examination shall be permitted to proceed to part II of the course. Provided he shall be permitted to sit for the Part II examination only after he has submitted the case study project.

(5) A candidate shall be permitted to submit the dissertation as required in part III only after passing at the Part II examination.

4. **Papers and Syllabus :**

(i) A candidate for the Corporate Management Course shall be examined in the subject comprised in the following two parts :—

PART I

Paper 1—The Human Factor in Management	100 marks
Paper 2—Production & Productivity Management	100 marks
Paper 3—Marketing Management	100 marks
Paper 4—Financial Management	100 marks
Paper 5—Tax Management	100 marks
	500 marks

PART II

Paper 1—Organisation & Management Development	100 marks
Paper 2—Management Control	100 marks

Paper 3—Management Planning:

Section I-Theory of Planning	100 marks
Section II Practice of Planning	100 marks
Section III-Management Planning for Public Enterprises.	100 marks

Paper 4—Management Audit:

Case Study Project	100 marks
	600 marks

(2) The minimum number of marks required for passing in a part shall be 40% of marks in each paper of the Part and 50% of the total marks for all the papers of that Part.

Provided that the Committee concerned may at its discretion reduce the minimum pass marks upto three marks in one or more papers and upto five marks in aggregate.

PART I

1. 1 The Human Factor in Management.

Scope: The objective of this paper is to give the candidates an insight into certain concepts drawn from Behavioral Sciences like Sociology and Psychology and their applications to the processes of management i.e. planning, controling and organising. While studying the concepts the candidates are urged to continually reflect on the importance of human factor at all stages in the process of management and how they could be applied in the practice of management for better results. In Section II of the paper, the candidates will review the gamut of industrial relations as developed in India today and examine the potentialities of Behavioral Sciences in improving the state of affairs. The examination should not merely test the candidates' knowledge of theory; rather it should test how the concept could be applied to work situations.

Syllabus

Section I

The importance of human factor in management- The basic concepts of human behaviour in work situations Motivation, Morale and Productivity - Behaviour of individuals and group: Formal and Informal - Anatomy of leadership-Socio Pschological dimensions of supervision (leadership)- Styles of leadership and their impact on employee morale and productivity - participative management- Management of change - group dynamics.

Section II

Industrial Relations in India: (a) The role of Trade Unions The characteristics of Indian trade unions and their demands, (b) the role of Government: The evolution of labour policy–Tripartite and bipartite consultation Compulsory adjudication & collective bargaining, (c) The role of Management: Recognition of unions & collective bargaining Handling grievances - Consultative management: Joint management councils Works committees – The foundation of behavioral sciences for developing industrial relations skill as an integral part of Management Skills.

Section III

Organisation climate in public sector enterprises – The recruitment, incentive, reward and punishment systems in public sector units and their impact on individual and group motivation and behaviour – Employee productivity in public sector – Characteristics of leadership in public sector – Achievement motivation of public sector managers.

Employer employee relations in public sector units Approaches to participative management-Union leaders as managers–The dual role of the Government as employer and regulator of industrial peace.

1.2 Production and Productivity Management:

Scope: To make the candidate familiar with the basic production processes and to make them appropriate the dimensions of productions decisions and how production forms an integral part of the total corporate management process. Production decisions rather than the procedural details should be emphasised. Further, the candidate are exposed to basic productivity concepts. Although these concepts are tied together with production their applications is not confirmed only to production activity; they could be applied to any area of operation. Hence the title, Production and Productive Management. This is only an appreciation course and, therefore, the candidates should not be examined in the technical details. They are required to possess a conceptual understanding of the techniques.

Syllabus:

Production process and organisation for production–Production operations: Materials procurement and control, Product mix, Quality control Material handling, Layout scheduling, Assembling etc. Application of Operations Research Techniques like Linear Programming, PERT, Queening Theory, Simulation–Technological obsolescence.

Productivity techniques: Input-output analysis–Measurement of labour and capital productivity-cost benefit analysis-Learning entive-Value analysis-Methods analysis; Motion study techniques-Work Measurement techniques.

1.3 Marketing Management.

Scope: To make the candidates familiar with the basic marketing processes and to make them appreciate the dimension of marketing decisions and how marketing forms an integral part of the total corporate management process. Marketing decisions rather than procedural details of selling and distribution should be emphasised.

Syllabus:

Section-I

The marketing process in terms of product customer, channels, price promotion and distribution-marketing mix.

Marketing Decisions:

(a) relating to product: Product line policy, product development, product quality, brand, product obsolescence—

(b) relating to pricing: Different strategies of pricing in the context of the Indian environment—

(c) relating to distribution channels: General Vs. exclusive distribution, national Vs. regional distribution, direct selling vs. intermediates—

(d) relating to customer development; Institutional, rural industrial etc. Customer stratification—

(e) relating to logistics of distribution—

(f) relating to stragegy of promotion—

Marketing Audit—Developing marketing objectives and relating them to over all objectives of the company.

Section II

The Marketing objective of public sector enterprises: considerations involving pricing differential and discremination. Product development in public sector units.

Special considerations governing distribution: System of controls and quotas Channels of distribution: Co operative sector, Government agencies Public sector and export maketing Considerations governing marketing consumer products.

Advertising and Public sector products and services. Marketing function vis-avis production function in public sector. The cost benefit analysis of marketing function in public sector.

Evaluation of 'Corporate image' of public sector products and services.

1: 4: Financial Management :

Scope : The paper covers basic concepts and techniques governing the management of company funds. Management of finance involves planning and control of the flow of funds in the organisation in terms of investing and financing. The nature of financial control is distinct from accounting control in that it is directly related to managerial decesion making. Therefore the entire treatment of this subject is decision centred and whatever financial analysis that is required is intended to aid top management decision making and should not be viewed as an end in itself.

Syllabus :

Section I

Basic techniques of financial analysis: Fund flow Analysis and patterns of investment and financing—financial ratios and evaluation of financial performance Financial forecasting and preparation of proforma financial statement.

Working capital management: Estimating working capital requirement-Control of working capital Inventory control and control of trade credit Financing of working capital-The new bill market scheme-Optional short term financing.

Long term investment (capital expenditure): Evaluation and control DCF technique-Evaluation of projects by the financial institutions in India.

Long term financing : sources-Negotiations with financial institutions Optimal debt. Cost of capital and investment policy Financial considerations involving the capitalisation structure; Dividend policy, Bonus issues, convertible issues, premium issues, preference capital issues.

Valuation of shares in merger negotiations-Valuation of shares of companies not treaded on the exchange Valuation concept-Goodwill.

Section II

Approaches to determining financial objective in terms of ROI in public sector units.

The nature of problem regarding the management of accounts receivable and inventories in public sector units.

Sources of funds for public sector cost of loans, Cost of equity and cost of retained earning. The relevance of debt equity ratio for public sector units.

Capital expenditure evaluation and control in Public sector units Problems involved in determining cash flows Cost benefit analysis.

Policies and strategies governing equity participation in Public sector units, Foreign collaboration. Joint sectors.

Approaches to social valuation of shares of companies nationalised.

Social welfare services of public sector units and the question of optimal capitalisation structure Considerations of size and synergy.

1 5 Tax Management :

Scope : The objective of this paper is, to test the candidates prudence and planning ability to keep the incidence of tax to a minimum within the frame work of prevalent tax while laws handling matters affecting corporate management such as business promotion, expansion, diversification and location. Candidates are expected to possess adequate knowledge of the provisions of the relevant Indian Tax Laws.

Syllabus :

1. Tax implications in planning the legal status of business unit : Firm, private limited company and public limited company.

2. Tax implications in (a) receiving foreign collaboration (b) giving collaboration abroad, ie., promoting Indian business abroad, Subsidiaries, outright sale of know-how, equity participation etc.

3. Tax aspects of merger and amalgamation.
4. New industrial establishment and tax planning.
5. Tax implication of holding company vs. conglomerate.
6. Company's (Profits) surtax act and financial planning.
7. Tax incentives and export promotion.
8. Personnel taxation foreign and Indian.
9. Tax aspects of divestment.
10. Tax implications in developing capitalisation structure :

(a) Short term loans, (b) Deposits from public, (c) Term loans (d) Bonus issues, (e) Dividend Policy.

11. Taxation of company in which public are not substantially interested.

PART II

2.1. Organisation and Management Development :

Scope :

Organisation as a continuous and dynamic process provides the framework for the planning and control process to operate. An organisation is as effective as the people working in it. Therefore, the personnel development function is inseparable from organisation development. The objective of this paper is to develop a sound understanding of the concepts and techniques centering on this theme.

Syllabus :

Section-I

Organisation as means of implementing corporate planning Relationship between planning and organising Organisation process; activity analysis Patterns of Grouping activities-Departmentation-Decision analysis Authority structure and span of supervision-Relational analysis Committee and coordination-organisational hierarchy and communication.

Staffing Positions vs. persons-Management of deadwood Manpower planning process Job evaluation techniques for executive and non-executive positions-Manpower need forecasting techniques-performance appraisal systems-Executive skill inventory-Management, development practices; Rotation, Special assignment, Training Committees etc.-Developing management, succession programme.

Section II

Approaches to management development in public sector units; staffing practices-Conditions of service-Consideration of merit versus seniority-Delegation practices-organisational levels and communication-Job enlargement and ergonomics.

Executive turnover and Executive mobility between private and public sectors.

Management by objectives and performance appraisal in public sector-Problems of management succession in public sector units.

2.2. Management Control :

Scope :

The objective is to introduce the candidates to the basic control concepts so that they may be able to develop control systems relevant to the nature of activity of the organisation.

Syllabus :

Section-I

Concept of control Operations control and Management control-Key variables of managerial performance-developing objectives standards for measuring the key variables Analysis of inputs in terms of engineered capacity and managed costs-Concept of responsibility budgeting-Reporting system for control-Control of (a) Performance of organisational units Divisions, Departments, Cells etc.,

(b) Control of functions and activities which cut across organisational units like recruitment, training, committee work, product development samples, promotion etc.

Information systems for control-Scope for Computerisation.

Section-II

Problems of communication and control in public sector units-Co-ordination and internal control-Financial and cost control-Budgeting, accounting and audit in public sector units-Delegation and accountability-Authority and responsibility-Measurement of results-Ministerial and Parliamentary control.

2. 3. Management Planning.—

Scope:—The candidates are required not only to be generally familiar with the environmental developments but to be able to relate meaningfully, each development to the corporate planning process i. e. how at the micro level macro policies of the State influence and shape corporate planning, In Paper II candidates are required to study and apply specific planning concepts and techniques.

Syllabus:—

Theory of Planning

Section I—The process of management planning Development planning perspective, long range and short range-Diversification strategy-Synergy-Developing long range (five year plan and program budgeting. Research budgeting-Period budgeting Management by objectives.

Quantitative Techniques in planning:

(a) Project planning: ERT and CPM.
(b) Project allocation of resource: Linear. Programming
(c) Project decision: Probability Theory in Decision trees
(d) Capital Budgeting-DCF techniques.
(e) Queuing Theory.
(f) Simulation

Section II: Practice of Planning:

The Planning environment.—The socio economic political factors influencing managerial planning Economic planning in India and economic self reliance-Unemployment and the need for employment oriented growth-Foreign exchange position and the need for import substitution, massive R & D programme and exploring new avenues of promoting India's business abroad India's joint ventures abroad-Shifts in India's import policy.

Socialistic policies of the State and their impact on corporate planning.—Industries (Development) Regulation Act Control of Capital Issue act MRTP Act-Relevant portions of the Indian Companies Act affecting constitution of corporate management, management control and transfer of management-Tariff commission and price regulation.

Problem areas involving perspective planning —

1. Promotion of new business Floatation of a subsidiary company floating a new venture under foreign collaboration floating Indian company in foreign countries. The law, practice and procedure relating to formation of companies—Primary steps in the formation of a company, industrial licence, project report consents and sanctions of the Government authorities, particularly in case of foreign collaborations-Initial financing and under-writing arrangements, prospectus-Appointment qualifications and remuneration of managerial personnel including directors.

2. *Location* —Analysis of problem involving location of production Units, marketing, service/distribution/units, procurement centres, maintenance centres etc.

3 *Expansions* : through diversification vertical and Horizontal expansion —expansion and decentralisation-Expansion through collaboration-Expansion and Management, succession through merger and amalgamation Legal provision governing amalgamation-expansion and public policy.

4. *Stagnation and obsolescence* : Problems of marketing myopia Problems of managerial obsolescence, product/technology/usage obsolescence-problems of financial myopia.

5 *Consolidation* :—Stream-Lining of operations, or product line, control and information systems.

6 *Rehabilitation* : Averting imminent failure-Rehabilitation through merger Rehabilitating a company that has failed-Rehabilitation through government intervention.

Section III Management Planning for Public Enterprise

1. Government participation in industry Social and Political circumstances-Basic considerations governing the form of organisation for public sector enterprises ; Government companies, statutory corporation and government departments Constitution of management boards of public sector units.

2. Evaluation of public sector project : The inseparable relationship between pricing, profitability and project evaluation. Pricing policies of public sector units-Considerations involved in pricing-Inclusion of profit element in pricing-Various theories.

Special problems in appraising public projects-concept of social profitability. The present social value of the project. The use of shadow prices and shadow wage rate-Social costs and social benefits The rate of discount and social rate of time preference. The use of probability in decision making-Social rate of return. The welfare basis of cost benefit analysis.

3. Problems concerning location of public sector units Economic and political considerations-Determining size of units and economic scale of operations.

4. Problems of organisation for multi-plant, multi-product, public sector units concept of holding company.

5. Marketing considerations governing public private sector competition.

6. Evaluation of public sector performance ; Translating the macro economic objectives of the nation (such as growth rate, savings, rate, capital output ration) into micro targets of public sector units in terms of :

(1) Value added (output)
(2) Generation of savings.
(3) Capital formation rate.
(4) Employment generation.
(5) Labour productivity.
(6) Capital output ratio.

In the light of the above evaluating the part played by public sector management in the economic development of the country.

2 4. **Management Audit case study Project.**

Paper carrying 50 marks for case study and 50 marks for oral examination based on case study. The objective of the case study project is to give an opportunity to the candidate to study in depth the operations of the company selected so as to develop an integrated perspective of the state of affairs of the company and indicate strategy for future development. The project should cover among other things.

1 A study of policies and programme of the company in the different functional areas, over a period of time.

2 Developing some indicators for measuring objectively (as far as possible) the performance of the company in segments and in totality.

3 Identifying managerial strengths and weaknesses (limitations) of the company.

4 Appraising the ambitions and objectives of the top management *vis a-vis* 3 above and the constraints as discussed in paper 23 of Mangement Planning.

5 Outlining a programme for management gstratey.

Part III

Dissertation carrying 200 marks

The objective of the dissertation is to give the candidate conceptional and analytical ability in the application of certain management concepts and techniques to certain specialised sectors of our economy as listed below. These specialised sectors are of particular significance in the development of our economy. These sectors will gain increasing importance in the years to come.

The state of management in these sectors generally lags behind that of private sector. In view of their growing importance, it is necessary that adequate attention in terms of management training be paid to such sectors, which in fact do not call for anything new, except meaningful adaptation of known-concepts and techniques of management. As we expect a large number of our members to go into such sectors, we should introduce them to the nature of management in such sectors. Broadly, the dissertation process should involve.

A Developing a historical perspective of the chosen sector and outing clearly the basic linkage of management and economic development.

B Selecting one major unit in the chosen sector for closer examination Studying the functions peculiar to the organisation and identifying the basic management processes.

C Diagnosing some managerial problems.

D Outlining how certain management concepts/techniques, after being adapted could be applied in the solution of the identified problems

The dissertation should be done under the guidance of a person previously approved by the concerned Committee. The guide should be a person who has managerial experience in the chosen fields as approved by the Committee.

Areas for Dissertation (any one only)

1 Management of Public Sector Industrial Enterprises.

2 Management of Financial Institution in India (including commercial banks).

Financial Institutions and Economic Development State Financial Institutions and the Indian Capital market Selecting one Financial Institution for study.

3 Management of co-operative enterprises (Industrial or marketing co operatives) select any one large scale unit for study.

4 Insurance Management (Select any one of the general Insurance companies or one of the divisions of L. I C. for study).

5 Urban Management: (Select one of the big municipalities for study.

6 Hospital Management (any one of the Government Hospitals)

7 Transportation Management (Select any one of the following)

Air India

Indian Airlines.

Any one of Indian Railways (some selected aspects only)

Any State Road Transport Corporation.

Shipping Corporation of India.

8. Union Management (any one major employees Union in India.

9. Management of Educational Administration (any one of the following).

Management in University Administration.

Management of any national institute of higher learning like Research Lab. or Institute, Institute of Higher-learning, Institute of Technology, . Institute of Management, N.C.A.E.R., Petroleum Research Institute, Indian Institute of Science, Institute of Foreign Trade etc.

10 Management in Public Administration (any one of the following).—

Management of Industrial Development in any one district.
Development of a backward region: Managerial approach
Community Development in a selected block of villages
Management of a major irrigation project
Management of family planning promotion.
Management of housing development scheme.
Adult/Rural education scheme.
Agricultural development in a district.
Public works management in a district.
Management of Agro Industry development programme.

5. Conduct of examinations.

(1) The examination may be conducted at such intervals, in such manner and at such time and places, as the Council may direct.

(2) The dates and places of the examination and other particulars shall be notified in the Gazette of India.

6. Application for admission to examination.

An application for admission to the examination shall be made in the approved form, a copy of which may be obtained from the Secretary, and together with the prescribed fee, shall be sent so as to reach the Council in accordance with the directions given by it.

Air India
Indian Airlines.
Any one of Indian Railways (some selected aspects only)
Any State Road Transport Corporation.
Shipping Corporation of India.

8. Union Management (any one major employees Union in India.

9. Management of Educational Administration (any one of the following).

Management in University Administration.

Management of any national institute of higher learning like Research Lab. or Institute, Institute of Higher-learning, Institute of Technology, Institute of Management, NCAER, Petroleum Research Institute, Indian Institute of Science, Institute of Foreign Trade etc.

10 Management in Public Administration (any one of the following).—

Management of Industrial Development in any one district.
Development of a backward region: Managerial approach
Community Development in a selected block of villages
Management of a major irrigation project
Management of family planning promotion.
Management of housing development scheme.
Adult/Rural education scheme.
Agricultural development in a district.
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7. Refund of fee.

(1) The fee paid by a candidate who has been admitted to an examination shall not, except as other-wise provided in sub-paragraph (2), be refunded.

(2) Where a candidate applies to the Council for the transfer of fee to the next examination on the ground that he was prevented from attending the examination on account of circumstances beyond his control, the Council may permit the fee paid by such candidate to be appropriated towards the fee payable only for the next following examination:

Provided that no such application received after the expiry of fifteen days of the last date of the examination shall be considered.

8 Declaration of result.

(1) A list of successful candidates shall be published in the Gazette of India.

(2) All the candidates shall be informed of the marks obtained in each paper.

9. Action against candidates resorting to unfair means.

If it is reported to the Committee that a candidate has resorted to or has attempted to resort to unfair means for the purpose of passing the examination the Committee shall hold an enquiry and submitted a report to the Council which may, after any further investigation as it may consider necessary, take such disciplinary action against the candidate as it thinks fit:

Provided that an opportunity shall be given to the candidate of being heard before an order adverse to him is passed.

10. Examiners.

The Committee may make such arrangements & may appoint such examiners to sent question papers and value answer books as it may deem fit.

11. Amendment of result.

In any case where it is found that the result of an examination has been affected by error, malpractice, fraud improper conduct or other matter, of whatever nature, the Committee hereinbefore mentioned shall have the power to amend such result in such manner as shall be in accord with the true position and to make such declaration as the Committee shall consider necessary in that behalf.

13. Procedure for evaluation of dissertation.

(1) A candidate intending to prepare dissertation under part III of this course, shall within one month from the date of passing the examination in all the papers of Part III, intimate the Secretary of the Institute, the subject, selected by him for preparation of discussion. He will also submit a synopsis of the proposed dissertation The Secretary shall, in consultation with the Chairman of the concerned Committee advise the Candidate of any additions, deletions or alterations to be made in preparation of the final dissertation within one month from the date of receipt of the synopsis.

2. The Chairman of the Committee shall then appoint a person to guide the candidate in preparing his dissertation. The guide will be selected from a list of persons drawn for this purpose with the approval of the Committee. The candidate will be advised by the Secretary the name of the person who will guide him in preparing the dissertation.

3. The candidate shall be required to submit the dissertation within nine months from the date of receipt of intimation under 2 above.

4. The dissertation shall be submitted in five copies with a fee of one hundred and fifty rupees which shall not be refundable.

5. The Committee may in appropriate case, extend the time required for submission of the dissertation by a period not exceeding three months.

6. The dissertation shall be in the English language and it is expected to embody the results of the candidate's training and research in the chosen field. The candidate shall submit with the dissertation a brief statement indicating the manner in which his practical experience has been utilised in preparation of the dissertation, and the areas in the dissertation which bring out new factors which would be of value to the management and accounting professions. The candidate shall further submit a statement indicating the sources on which he has relied in preparing his dissertation and the extent to which he has based his study on material obtained from general reference books.

7. On receipt of the dissertation, the Secretary in consultation with the Committee, shall forward the same to a referee or a board of referees (not exceeding three in number) for comments on the quality of the dissertation. The referee/referees so appointed by the Committee shall within two months of the date of receipt of the dissertation, advise whether the dissertation is of sufficiently high degree of merit to deserve approval.

8. The decision of the referee/referees shall be communicated to the candidate by the Secretary after placing the same on consideration of the Committee. In case of any difference of opinion among the referees on the quality and merits of the dissertation, the final decision will be taken by the Committees.

III. Form "33" (as follows) may be added after

Form '32' in Schedule 'A' :—

'Form '33'

(See Paragraph 1 of Schedule 'D')

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Emblem)

Corporate Management Course

This is to certify that ....of.................has passed the examinations and also successfully submitted the dissertation for the Corporate Management Course held by the Institute of Chartered Accountants of India.

Given under the Common Seal of the Institute of Chartered Accountants of India, this..................day of..................19........

(Seal) Secretary

P. S. GOPALAKRISHNAN,
Secretary.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

HOME SECRETARIAT

Order No. HD 6 SIC 78.

Bangalore, dated 22nd February 1978.

Ordered that the Notification No. 64/2/8/77-CX-2, dated 31st January 1978 of the Government of Uttar Pradesh, Lucknow be re-published in the *Karnataka Gazette,* for general information of the public.

By Order and in the name of the President of India,

M. G. KRISHNA SINGH,
Under Secretary to Government,
Home Department.

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GOVERNMENT OF UTTAR PRADESH

(Confidential Section-2)

In pursuance of the provisions of clause (3) of article 348 of the Constitution, the Governor is pleased to order the publication of the following English Translation of Notification No. 64/2/8/77-CX-2, dated 31st January, 1978.

No. 64/2/8/77-CX-2, Dated, Lucknow, January 31, 1978.

In exercise of the powers under section 21 of the General Clauses Act, 1897 (Act No. 10, 1897) the Governor is pleased to rescind Government Notification No. 64/2/34/75-CX-2, dated June 19, 1976 and No. 64/2/34/75-CX-2, dated December 18, 1975, regarding forfeiture of the edition of June 24, 1975 of Hindi Weekly "Madhya Marg" published from Lucknow, both issued under rule 47 (1) (e) of Defence and Internal Security of India Rules, 1971.

"COPY"

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 63 SAS 78.

Bangalore, dated 10th March 1978.

The Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms Notification No. 14015/30/77-AIS(I), dated 6th March, 1978, is republished as hereunder :

No. 14015/30/77-AIS (I)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

Department of Personnel and Administrative Reforms

New Delhi, dated the 6th March 1978.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954, read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint S/Shri G. S. Kanekal, B. H. Hanumantharaju and P. Puttarangappa, members of the State Civil Service of Karnataka to the Indian Administrative Service on probation and to allocate them to the cadre of Karnataka under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

Sd/-
R. N. DUTTA,
Desk Officer.

By Order and in the name of the Governor of Karnataka,
M. M. NAIK,
Under Secretary to Government,
Department of Personnel and Administrative Reforms.
(Services-I).

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Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY STATE GOVERNMENT.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 3 LCA 78

Bangalore, Dated 16/17th March 1978.

Ordered that the following Five Notifications bringing into force the Central Acts or Certain provisions thereof published in the Gazette of India Extraordinary, be republished in the *Karnataka Gazette* for general information :—

S. O. 647(E), dated 1st September 1977
G. S. R. 620(E), dated 26th September 1977
G. S. R. 664(E), dated 1st November 1977
S. O. 845(E), dated 19th December 1977 and
S. O. 847(E) dated 20th December 1977

By Order and in the name of the Governor of Karnataka.

A. NEELAKANTAIYA,
Under Secretary to Government,
Dept. of Law and Parly. Affairs.

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MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

NOTIFICATIONS

New Delhi, the 1st September, 1977.

S. O. 647 (E)—In exercise of the powers conferred by sub-section (2) of Section 1 of the Motor Vehicles (Amendments) Act, 1977 (27 of 1977), the Central Government hereby appoints the 1st day of September, 1977, as the date on which the 13 provisions of sections 4, 5 and 7, sub-section 11 of Section 12, and Section 13 of the said Act shall come into force.

[No. TGM (40)/75]

Published in the Gazette of India Extra-ordinary Pt. II Section 3 (ii), dated 1st September 1977, p. 2527.

MINISTRY OF CIVIL SUPPLYES AND CO-OPERATION

NOTIFICATIONS

New Delhi, the 26th September 1977.

G. S. R. 620 (E)—In exercise of the powers conferred by sub-section (3) of Section 1 of the Standards of Weights and Measures Act 1976 (60 of 1976), the Central Government hereby appoints the 26th day of September, 1977, as the day on which the following provisions of the said Act shall come into force, namely :—

(i) sections 1, 2 and 3;
(ii) sections 28 and 29;
(iii) clause (b) of section 31;
(iv) section 39;
(v) sub-section (2) of section 48;
(vi) section 54;
(vii) section 63;
(viii) section 67;
(ix) section 69, 70, 71, 72, 73 and 74;
(x) section 78; and
(xi) section 83.

[No. F. WM-9(36)/77]

Published in the Gazette of India, Exty. Part II, Section 3(i) dated 26th September 1977 p. 1883.

DEPARTMENT OF PARLIAMENTARY AFFAIRS

NOTIFICATIONS.

New Delhi, the 1st November 1977

G. S. R. 664(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Salary and Allowances of Lenders of Opposition in Parliament Act, 1977 (33 of 1977), the Central Government hereby appoints the 1st day of November, 1977, as the date on which the said Act shall come into force.

[No. F. 12(1)/77-R & C]

Published in the Gazette of India, Exty. Part. II, Section 3(i) dated 1st November 1977 P. 2075.

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

NOTIFICATION

New Delhi, the 19th December, 1977

S. O. 845(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Motor Vehicles (Amendment) Act, 1977 (27 of

1977), the Central Government hereby appoints the 1st January 1978 as the date on which the provisions of Sections 2, 3 and 6 of the said Act shall come into force.

No. F. TGM-(21)/77-1.

B. B. MAHAJAN, *Jt. Secretary.*

Published in the Gazette of India, Exty. Part II. Section 3 (i) dated 21th December 1977 p. 2979.

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

NOTIFICATION

New Delhi, the 20th December 1977

S. O. 847(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Motor Vehicles (Amendment) Act, 1977 (27 of 1977), the Central Government hereby appoints the first day of January 1978, as the date on which the provisions of section 10 of the said Act shall come into force.

No. F. TGM (20)/77.

B. B. MAHAJAN, *Jt. Secretary.*

Published in the Gazette of India, Exty. Part II, Section 3 (ii), dated 20th December 1977, p. 2983

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press,

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 79 COI 77

Bangalore, dated 27th March 1978.

Ordered that the Notification S. O. 96 (E) dated 15th February 1978 published in Part-II Section 3 sub-section (ii) of the Gazette of India Extra-ordinary dated 15th February 1978 be published in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

V. S. NAIK,
Under Secretary to Government,
52 *Department of Personnel and Administrative*
Reforms (Commission of Inquiry).

गृह मंत्रालय

(कार्मिक और प्रशासनिक सुधार विभाग)

अधिसूचना

नई दिल्ली, 15 फरवरी, 1978

का. आ. 96(अ.).—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा भारत सरकार गृह मंत्रालय (कार्मिक और प्रशासनिक सुधार विभाग) की अधिसूचना संख्या का. आ. 365(अ), दिनांक 23 मई, 1977, जो भारत के असाधारण राजपत्र भाग 2 खण्ड 3 उपखण्ड (2); दिनांक 23 मई, 1977 के पृष्ठ 1981 से 1986 पर प्रकाशित हुई है, में आगे निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, अनुबन्ध ii में—

(1) अभिकथन संख्या 7 में, "चावल" शब्द के स्थान पर "धान" शब्द रखा जाएगा ;

(2) अभिकथन संख्या 24 में, अन्त में निम्नलिखित को जोड़

:—" ;

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 79 COI 77

Bangalore, dated 27th March 1978.

Ordered that the Notification S. O. 96 (E) dated 15th February 1978 published in Part-II Section 3 sub-section (ii) of the Gazette of India Extra-ordinary dated 15th February 1978 be published in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

V. S. **NAIK,**
Under Secretary to Government,
52 *Department of Personnel and Administrative*
Reforms (Commission of Inquiry).

गृह मंत्रालय

(कार्मिक और प्रशासनिक सुधार विभाग)

अधिसूचना

नई दिल्ली, 15 फरवरी, 1978

का. आ. 96(अ.).—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा भारत सरकार गृह मंत्रालय (कार्मिक और प्रशासनिक सुधार विभाग) की अधिसूचना संख्या का. आ. 365(अ), दिनांक 23 मई, 1977, जो भारत के असाधारण राजपत्र भाग 2 खण्ड 3 उपखण्ड (2); दिनांक 23 मई, 1977 के पृष्ठ 1981 से 1986 पर प्रकाशित हुई हैं, में आगे निम्नलिखित संशोधन करती हैं, अर्थात् :—

उक्त अधिसूचना में, अनुबन्ध ii में—

(1) अभिकथन संख्या 7 में, "चावल" शब्द के स्थान पर "धान" शब्द रखा जाएगा ;

(2) अभिकथन संख्या 24 में, अन्त में निम्नलिखित को जोड़

में निधियों की जमा के संबंध में अनिवार्य नियमों के विरुद्ध बैंकों और कर्नाटक डेरी कार्पोरेशन की 50 लाख रुपये तक की निधियों को दक्षिण भारतीय बैंक में जमा कराया ; और क्या कुछ प्रतिफल के लिए श्री चिक्के गौडा के कहन पर वरालक्ष्मी-कपास बीजों की राज्य से बाहर अन्धाधुन्ध बिक्री कराई गई जिससे उत्पादकों को भारी हानि हुई ; और क्या मंत्री द्वारा आर्थिक लाभों के अपने हित-साधन के उद्देश्य से श्री द्वारका नाथ और श्री नंजेया को कृषि-निदेशक और पशुपालन-निदेशक नियुक्त किया गया था ; और क्या श्री चिक्के गौडा ने कृषि और पशुपालन विभागों द्वारा मशीनरी की खरीद के संबंध में मैसर्स बल्कन लावल और लार्सन एण्ड ट्यूबरो से उनके एजेंट श्री वी. वी. पार्थसारथी, श्रीमती सावला और श्री जोह्न के माध्यम से कमीशन के रूप में निजी तौर से भारी रकमें प्राप्त की थीं ।"

(3) अभिकथन संख्या 25 में, 'श्री एम. बी. लाल और श्री एम. बी. वेंकटप्पा', शब्दों और अक्षरों के स्थान पर 'श्री एन. सी. माधवराज" शब्द और अक्षर रखे जाएंगे ।

[संख्या 375/16/77-ए. वी. डी.-3]

रमेश चन्द्र मिश्र, अपर सचिव

MINISTRY OF HOME AFFAIRS

(Department of Personnel & Administrative Reforms)

NOTIFICATION

New Delhi, the 15th February, 1978

S.O. 96(E).—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952). the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) No. S.O. 365(E), dated the 23rd May, 1977, published at pages 1977 to 1981 of the Gazette of India, Extraordinary, Part-II, Section 3, sub-section (ii), dated the 23rd May, 1977, namely :—

In the said notification, in Annexure-II—

(i) in allegation No. 7, for the word "rice" the word "paddy" shall be substituted ;

(ii) in allegation No. 24, the following shall be added at the end, namely :—" ; and in getting deposited funds of BAFCO and Karnataka Dairy Corporation to the tune of Rs. 50 lakhs in Southern Indian Bank against the mandatory rules relating to deposit of funds in nationalised banks; and whether Varalakshmi Cotton Seeds were indiscriminately sold outside the State at the instance of Shri Chikke Gowda for some consideration resulting in heavy loss to the growers; and whether Shri Dwarakanath and Shri Nanjaiah were appointed by the Minister as Director of Agriculture and Director of Animal Husbandry to suit his motive for making monetary gains; and further whether Shri Chikke Gowda received huge amounts privately as commission from Messrs. Vulcan Laval and Larsen and Toubro through their agents Mr. V. V. Parthasarthy, Mrs. Savla and Mr. John, in relation to purchase of machinery by the Agriculture and Animal Husbandry Departments."

(iii) in allegation No. 25, for the words and letters "Shri M. B. Lal and Shri M. V. Venkatappa", the words and letters "Shri N. C. Madhvaraj" shall be substituted.

[No. 375/16/77-AVD. III]

R. C. MISRA, Addl. Secy.

FINANCE SECRETARIAT

Notification No. FD 7 ESD 78

Bangalore, dated the 8th March, 1978

The Governor of Karnataka is pleased to order that the accompanying Notification No. S. O. 66 (E), dated 6th February 1978, accordingly recognition to the Bangalore Stock Exchange Limited, Bangalore, for a further period of five years commencing from 16th February 1978 and ending with 15th February 1983, which has been published in the Gazette of India, Extraordinary, dated 6th February 1978 [Part–II, Section–3 (ii)] be re-published under Section-4(3) of the Securities Contracts (Regulation) Act, 1956 (42 of 1956) in the *Karnataka Gazette*, for general information of the public.

N. S. MANI,
Special Officer & Ex-officio
Under Secretary to Government,
Finance Department (Budget).

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वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(शेयर बाजार प्रभाग)

अधिसूचना

नई दिल्ली, 6 फरवरी, 1978

का. आ. 66 (अ.).—केन्द्रीय सरकार, बंगलौर स्टाक एक्सचेंज लिमिटेड, बंगलौर (जिसे इसमें इसके पश्चात् एक्सचेंज कहा गया है) द्वारा प्रतिभूति संविदा (विनियमन) नियम, 1957 के नियम 7 के साथ पठित प्रतिभूति संविदा (विनियमन) अधिनियम, 1956 (1956 का 42) की धारा 3 के अन्तर्गत मान्यता के नवीकरण के लिए दिए गए आवेदन पत्र पर विचार करने और इस बात से संतुष्ट होने के बाद कि ऐसा करना व्यापार के हित में तथा लोकहित में भी होगा, उक्त अधिनियम की धारा 4 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्द्वारा इस एक्सचेंज को 16 फरवरी, 1978 से शुरू होने वाली और 15 फरवरी, 1983 के साथ समाप्त होने वाली 5 वर्ष की और अवधि के लिए प्रतिभूतियों के संविदाओं के सम्बन्ध में नीचे दी गई शर्तों और ऐसी अन्य शर्तों के अधीन जो बाद में निर्धारित की जाएंगी अथवा लागू की जाएंगी, मान्यता प्रदान करती है।

शर्तें

(1) किसी भी व्यक्ति को लगातार तीन वर्ष से अधिक की अवधि के लिए एक्सचेंज का अध्यक्ष अथवा उपाध्यक्ष बने रहने की अनुमति नहीं होगी ।

(2) हालांकि वर्तमान सदस्यों को, चाहे उनकी शैक्षिक अर्हताएं कुछ भी हों, सदस्य बने रहने दिया जाएगा, लेकिन नए व्यक्तियों को एक्सचेंज की सदस्यता प्राप्त करने के लिए यह जरूरी होगा कि उन्होंने मैट्रिक या उसके समकक्ष परीक्षा पास कर रखी हो ।

2. एक्सचेंज की अन्तर्नियमावली में उक्त प्रयोजन के लिए यथाशीघ्र लेकिन हर हालत में 16 फरवरी, 1978 से एक वर्ष की अवधि के अन्दर अन्दर संशोधन कर दिया जाएगा ।

[सं. एफ. 1/28/एस. ई./77]
ए. वी. गणेशन, संयुक्त सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Stock Exchange Division)

NOTIFICATION

New Delhi, the 6th February, 1978

S. O. 66 (E).—The Central Government, having considered the application for renewal of recognition made under section 3 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956) read with rule 7 of the Securities Contracts (Regulation) Rules, 1957, by the Bangalore Stock Exchange Limited, Bangalore (hereinafter referred to as the Exchange) and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 4 of the said Act, for a further period of five years commencing on the 16th February, 1978, and ending with the 15th February, 1983, in respect of contracts in securities, subject to the conditions stated herein below and such other conditions as may be prescribed or imposed hereafter.

CONDITIONS

(1) No person shall be allowed to continue as President or Vice-President of the Exchange for a period of more than three consecutive years.

(2) While the existing members may be allowed to continue inrespective of their educational qualifications the new entrants shall be required to have passed matriculation or an equivalent examination for acquiring the membership of the Exchange.

2. The Articles of Association of the Exchange shall be amended for the purpose aforesaid as early as possible but in no case later than a period of one year from 16th February, 1978.

[No. F. 1/28/SE/77]
A. V. GANESAN, Jt. Secy.

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 84 SPS 77
Bangalore, dated 15th March 1978.

The Government of India, Ministry of Home Affairs Notification No. I-18011/1/77-Pers. III dated 17th January 1978 is republished hereunder for

No. 18011/1/78-Pers. III
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

NOTIFICATION

New Delhi-110001, the 17 January 1978
27 Pausa 1899.

In exercise of the powers conferred by Rule-3-A of the Indian Police Service (Probation) Rules, 1954, the President is pleased to confirm in the Indian Police Service, Km. Jija Madhavan, a member of the Indian Police Service, borne on the State Cadre of the Karnataka Cadre with effect from 19th July 1977.

(C. Chakrbarty,)
Director.

By Order and in the name of the Governor of Karnataka,

R. A. KALGHATGI,
Desk Officer,
DPAR (Services-A)

Notification No. DPAR 46 SHC 78

Bangalore, dated 20th March 1978.

The following Notification of the Government of India, Ministry of Law, Justice and Company Affairs, Department of Justice, transferring Shri Justice D. M. Chandrasekhar, Chief Justice of the Allahabad High Court as Chief Justice of High Court of Karnataka, is republished hereunder :

No. 2/20/77-Jus

GOVERNMENT OF INDIA

Ministry of Law, Justice and Company Affairs

Department of Justice

New Delhi, the 1st March 1978

NOTIFICATION

In exercise of the powers conferred by Clause (1) of Article 222 of the constitution, the President, after consultation with the Chief Justice of India, is pleased to transfer Shri Justice Deshmudra Mallappa Chandrasekhar, Chief Justice of the Allahabad High Court, as Chief Justice of the Karnataka High Court with effect from the date he assumes charge of his office.

R. Vasudevan,

Deputy Secretary to the Government of India.

By Order and in the name of the Governor of Karnataka,

S. R. TODURKAR,

Under Secretary to Government,

Department of Personnel and Administrative,

Reforms (Services-II)

FINANCE SECRETARIAT

OFFICIAL MEMORANDUM

No. FD 6 ACD 78, Bangalore, dated 30th March 1978.

Sub:—Additional Emoluments (CD) Act, 1974 Provision for interest payments.

The accompanying instructions issued from Government of India in their letter No. F. 9 (11)-CD/78(II) dated 6th March 1978 are hereby published for information and necessary action.

S. T. BADAMI,
I/c., *Under Secretary to Government,*
Finance Department.

Copy of letter No. F. 9 (11)-CD/78(II) dated 6th March 1978 from the Government of India, Ministry of Finance (Department of Economic Affairs) CD-Special Cell, New Delhi.

Additional Emoluments (Compulsory Deposit) Act, 1974-Provision for interest payments.

I am directed to state that the provision for interest payments under the Additional Emoluments (Compulsory Deposit) Act, 1974, to State Government Employees *during the year* 1978-79 has been made under the following sub/detailed heads in Demand "No. 42-Other Expenditure of the Ministry of Finance":—

A. 2-Other Fiscal Services:

A. 2(2)-Additional Emoluments (Compulsory Deposit) Act, 1974:

A. 2(2)(3)-Interest on deposits in the Additional Wages Deposit Account:

A. 2(2)(3)(3)-State Government Employees.

A. 2(2)(4)-Interest on deposits in the Additional Dearness Allowance Deposit Account:

A. 2(2)(4)(3)-State Government Employees.

A. 2(2)(5)-Interest on deposits in the Additional Dearness Allowance deposit Account (New):

A. 2(2)(5)(3)-State Government Employees.

There would be no change in the procedure for adjustment and reconciliation of expenditure on the above payments laid down in this

FINANCE SECRETARIAT

OFFICIAL MEMORANDUM

No. FD 6 ACD 78, Bangalore, dated 30th March 1978.

Sub:—Additional Emoluments (CD) Act, 1974 Provision for interest payments.

The accompanying instructions issued from Government of India in their letter No. F. 9 (11)-CD/78(II) dated 6th March 1978 are hereby published for information and necessary action.

S. T. BADAMI,
I/c., *Under Secretary to Government,*
Finance Department.

Copy of letter No. F. 9 (11)-CD/78(II) dated 6th March 1978 from the Government of India, Ministry of Finance (Department of Economic Affairs) CD-Special Cell, New Delhi.

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A. 2-Other Fiscal Services:

A. 2(2)-Additional Emoluments (Compulsory Deposit) Act, 1974:

A. 2(2)(3)-Interest on deposits in the Additional Wages Deposit Account:

A. 2(2)(3)(3)-State Government Employees.

A. 2(2)(4)-Interest on deposits in the Additional Dearness Allowance Deposit Account:

A. 2(2)(4)(3)-State Government Employees.

A. 2(2)(5)-Interest on deposits in the Additional Dearness Allowance deposit Account (New):

A. 2(2)(5)(3)-State Government Employees.

There would be no change in the procedure for adjustment and reconciliation of expenditure on the above payments laid down in this

Ministry's letters No. F. 9(11)-CD/75 dated the 9th September, 1975, and No. F. 4(17)-CD/76 (I) dated the 11th November, 1976. In other words, these payments would continue to be initially adjustable under a distinct sub-head " Interest payments under A.E. (CD) Act, 197 ." below the minor head " P.A.O Suspense-Transactions adjustable by Principal Accounts Officer, Ministry of Finance, department of Economic Affairs " in the State Section of the books of the Accountant General concerned, reimbursement therefor being claimed from the Controller of Accounts, department of Economic Affairs on monthly basis.

2 It is requested that the above position may be brought to the notice of all heads of departments and drawing and disbursing officers under your control,

3. The receipt of this communication may please be acknowledged. Its Hindi version will follow.

Sd.

(G. K. Dhingra.)
Senior Analyst.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY STATE GOVERNMENT.

COMMERCE AND INDUSTRIES SECRETARIAT

Notification No. CI 117 EPO 78.

Bangalore, dated 21st April 1978

In exercise of the powers conferred under Rule 15 (1) of the Mineral Concession Rules 1960, the Government of Karnataka hereby revoke the orders issued in Government Notification No. CI 325 EPO 77 dated 25th November 1977 sanctioning a Prospecting Licence for Corrundum in respect of the area of 82 acres (33.18 hectares) of land in Kasapura Village, Koratagere Taluk, Tumkur District in favour of Shri Kiranraj as the grantee failed to pay the security deposit and execute the deed within the prescribed time limit.

By Order and in the name of the Governor of Karnataka,

Y. B. CHINNAPPA REDDY,

Under Secretary to Government, I/c
Commerce and Industries Department.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

FOOD AND FOREST SECRETARIAT

Notification No. FFD 115 FEG 77

Bangalore, dated the 3rd June 1978.

The Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, New Delhi Notification No. 17013/16/78-AIS (IV) dated 23rd May 1978 is republished hereunder.

By Order and in the name of the Governor of Karnataka,

E. VENKATA REDDY,
Under Secretary to Government,
Food and Forest Dept.

No. 17013/16/78-AIS (IV)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashashik Sudhar Vibhag)
New Delhi, the 23rd May 1978.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Forest Service (Recruitment) Rules, 1966, read with sub-regulation (1) of regulation 9 of the Indian Forest Service (Appointment by Promotion) Regulations, 1966, the President is pleased to appoint with immediate effect S/Shri M. V. Mulimani and Y. C. Subba Rao, members of the State Forest Service of Karnataka, to the Indian Forest Service, on probation, against vacancies in the senior time scale shown in item 3 of the Cadre Schedule and to allocate them to the Cadre of the Indian Forest Service of Karnataka, under sub-rule (1) of rule 5 of the Indian Forest Service (Cadre) Rules, 1966.

Sd/-R. L. AGGARWAL,
Under Secretary to the Government of India.

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 63 SAS 78.

Bangalore, dated 7th June 1978.

The Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms Notification No 14015/30/77-AIS (I) dated 3rd June 1978, is republished as hereunder.

No. 14015/30/77-AIS (I)

GOVERNMENT OF INDIA/BHARAT SARKAR

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

Department of Personnel and Administrative Reforms

(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 3rd June 1978.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of Rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint Shri Jayathirtharaj Purohit, a member of the State Civil Service of Karnataka to the Indian Administrative Service on probation and to allocate him to the cadre of Karnataka under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

Sd/-

R. N. DUTTA,

Desk Officer.

By Order and in the name of the Governor of Karnataka,

M. M. NAIK,

Under Secretary to Government,

Department of Personnel & Administrative Reforms,

(Services-I).

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Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—1C

BANGALORE, MONDAY, JUNE 12, 1978
(JYEISHTA 22, SAKA ERA 1900).

No. 940

GOVERNMENT OF INDIA

Ministry of Law, Justice and Company Affairs

(Legislative Department)

New Delhi, the 17th May, 1978
27, Vaisakha, 1900 (Saka)

NOTIFICATION

G.S.R —The following Order made by the President is published for general information :

THE DELIMITATION OF COUNCIL CONSTITUENCIES (MYSORE) AMENDMENT ORDER, 1978

In exercise of the powers conferred by section 12 of the Representation of the People Act, 1950 (43 of 1950), the President, after consulting the Election Commission, is pleased to make the following Order further to amend the Delimitation of Council Constituencies (Mysore) Order, 1951, namely :—

1 This Order may be called the Delimitation of Council Constituencies (Mysore) Amendment Order, 1978.

2 In the Delimitation of Council Constituencies (Mysore) Order 1951.—

(a) in the Table below paragraph 2, for the existing entries relating to serial Nos. 2 and 3 under "Graduates' Constituencies", serial Nos. 1, 3, 4 and 5 under "Teachers' Constituencies" and serial Nos. 5, 6, 11 and 12 under "**Local Authorities' Constituencies**", the following entries shall respectively be substituted namely :—

	Name of Constituency	Extent of Constituency	Number of seats
	1	2	3
	Graduates' Constituencies		
"2	Karnataka Central Graduates	Bellary, Dharwad, Uttara Kannada and Shimoga districts.	1
3	Karnataka South-West Graduates	Dakshina Kannada, Kodagu and Mysore districts.	1"
	Teachers' Constituencies		
"1	Karnataka North-West Teachers	Belgaum and Uttara Kannada districts.	1
3	Karnataka North-Central Teachers	Shimoga, Dharwad, Raichur and Bellary districts.	1
4	Karnataka South-Central Teachers	Chitaldurga, Chikmagalur and Dakshina Kannada districts.	1
5	Karnataka South-West Teachers	Mysore Mandya, Kodagu and Hassan districts.	1"
	Local Authorities' Constituencies		
"5	Uttara Kannada Local Authorities	Uttara Kannada district	1
6	Dharwad Local Authorities	Dharwad district	2
11	Dakshina Kannada Local Authorities	Dakshina Kannada district	1
12	Mysore-*cum*-Kodagu Local Authorities	Mysore and Kodagu districts	2"

(b) in paragraph 3, for the figures, letters and words "1st day of September, 1966", the figures, letters and words "31st day of January, 1977" shall be substituted.

N. SANJIVA REDDY,
President.
No. F. 7 (22)/78-Leg. II
S. HARIHARA IYER,
Secretary to the Govt. of India.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY
(EXTRAORDINARY)
PART IV—2-A

BANGALORE, WEDNESDAY, JUNE 14, 1978
(JYEISHTA 24, SAKA ERA 1900)
No. 950

KARNATAKA LEGISLATURE SECRETARIAT

NOTIFICATION

No. 2407/LA, Bangalore, dated 14*th June* 1978

This following Bill was introduced in Legislative Assembly on 14th June 1978.

Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY
(EXTRAORDINARY)

PART IV—2-A

BANGALORE, WEDNESDAY, JUNE 14, 1978
(JYEISHTA 24, SAKA ERA 1900)

No. 950

KARNATAKA LEGISLATURE SECRETARIAT

NOTIFICATION

No. 2407/LA, Bangalore, dated 14*th June* 1978

This following Bill was introduced in Legislative Assembly on 14th June 1978.

THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT (AMENDMENT) BILL, 1978

(L. A. BILL No. 8 OF 1978)

A Bill further to amend the Karnataka Industrial Areas Development Act, 1966.

Whereas it is expedient further to amend the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966);

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Karnataka Industrial Areas Development (Amendment) Act, 1978.

(2) It shall come into force at once.

2. **Insertion of new section 34 A.**—After section 34 of the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966) the following section shall be inserted, namely,—

"**34A. Demolition or alteration of unauthorised construction or alteration.**—(1) If any person constructs or alters any building or commences or carries on such construction or alteration in contravention of the Act or rules made thereunder or of any regulation or condition subject to which permission has been given for such construction or alteration, the Executive Member may, whether or not the offender be prosecuted under this Act, by notice,—,

(a) require the offender to show sufficient cause by a written statement signed by him and sent to the Executive Member on or before such date as may be specified in the notice, why such construction or alteration should not be demolished or altered ; or

(b) require the offender to appear before the Executive Member either personally or by a duly authorised agent on such date and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Executive Member why the construction or alteration should not be so demolished or altered the Executive Member may pass an order directing such demolition or alteration by such period not exceeding two months as may be specified in the order.

(3) If the person against whom an order for demolition or alteration is made under sub-section (2) fails to comply with the said order, the Execution Member may cause such demolition or alteration to be made and may order that the expenses incurred therefor shall be recoverable from the person concerned as arrears of land revenue.

(4) No order to recover the expenses incurred for demolition or alteration as arrears of land revenue shall be passed under sub-section (3) unless the person concerned is required by notice to show cause why the expenses should not be so recovered and is given an opportunity of being heard.

(5) Any person aggrieved by an order under sub-section (2) may within thirty days of the said order appeal to the Board, which, after hearing the parties to the appeal may either allow or dismiss the appeal or vary any part of the said order.

(6) Any person aggrieved by the order passed in appeal under-sub-section (5), may institute a suit within three months of the said order, as regards the quantum of the amount ordered to be recovered as expenses. The time requisite for obtaining the copy of the order shall be excluded while computing the said period of three months.

(7) No Court shall entertain such suit unless the plaintiff has produced a receipt for having paid or deposited the entire amount to be recovered according to

the order passed under sub-section (5). Subject to the result of the suit the order passed under sub-section (3) or sub-section (5), as the case may be for recovery of expenses shall be final.

(8) A copy of the order under sub-section (3) or (5) or a copy of the Judgement or both, as the case may be, shall be forwarded to the Deputy Commissioner having jurisdiction, who shall thereupon proceed to recover the amount from the person concerned as if it were an arrears of land revenue.

STATEMENT OF OBJECTS AND REASONS

The Karnataka Industrial Areas Development Act, 1966 (Karnataka Act No. 18 of 1966), was enacted for the establishment of industrial areas in the State and generally to promote the establishment and orderly development of industries therein.

According to section 34 penal action could be taken against any person who constructs or alters or use any building in an industrial area or industrial estate contrary to the terms under which he holds such building or land. There is, however, no provision in the Act to demolish or alter the unauthorised structures. For the purpose of enforcing the buiding regulations made under the Act, it is considered necessary to empower the Board to demolish unauthorised constructions and to direct the holders to construct or alter buildings in accordance with the regulations and conditions laid down in this behalf and if they fail to do so to get it done at their cost.

Hence This Bill.

AZEEZ SAIT.

T. VENKATASWAMY.
Secretary

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification DPAR 157 SAS 78 (i)

Bangalore, dated 8th June, 1978

The Election Commission of India's Notification No. 154/Karnataka/78, dated 23rd May, 1978 is republished as hereunder :—

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi-110001.

Dated *23rd May, 1978.* / *Jyeistha 2, 1900 (Saka)*

NOTIFICATION

No. 154/Karnataka/78-In exercise of the powers conferred by sub-section (1) of Section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Karnataka, hereby nominates Shri R. Sampathkumaran, IAS, Zonal Manager (West) Food Corporation of India as the Chief Electoral Officer for the State of Karnataka with effect from the date he takes over charge and until further orders *vice* Shri C.B. Nandeeswar.

By Order,
Sd/-
V. NAGASUBRAMANIAN,
Secretary.

By Order and in the name of the Governor of Karnataka,

M. M. NAIK,
Under Secretary to Government
D.P.A.R. (Services-I)

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 157 SAS 78 (i).

Bangalore, dated 15th June 1978

The Election Commission of India's Notification No. 154/Karnataka/78, dated 3rd May, 1978 is republished as hereunder—

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road,
New Delhi,

Dated the 3rd May, 1978

Vaishka 13, 1900.

NOTIFICATION

No. 154/Karnataka/78—In exercise of the powers conferred by sub-section (1) of Section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Karnataka, hereby nominates Sri C. B. Nandeeswar, Additional Secretary to Government, Department of Law and Parliamentary Affairs as the Chief Electoral Officer for the State of Karnataka with effect from 6th May, 1978 and until further orders *vice* Sri D. Balagopalan.

By order

V. NAGASUBRAMANIAN,
Secretary.

By Order and in the name of the Governor of Karnataka,

M. M. NAIK,
Under Secretary to Government,
Dept. of Personnel and Admn Reforms,
(Services-I).

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Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

HOME SECRETARIAT

Order No. HD 129 CNA 78

Bangalore, dated 30th June 1978

The Government of Karnataka hereby order that the accompanying Order No. 315/1/78 F (P) dated 6th June 1978 issued by the Government of India, Ministry of Information and Broadcasting, New Delhi and published in the Gazette of India Extraordinary, Part II Section 3 sub-section (ii) shall be republished in the *Karnataka Gazette* Part IV Section 2 (c) (ii) for general information.

By Order and in the name of the Governor of Karnataka,

A. S. NAGARAJA,
Under Secretary to Government,
Home Department.

13

GOVERNMENT OF INDIA

Ministry of Information and Boardcasting

New Delhi-110001, the 6 June 1978.

ORDER

S. O....... In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the order of the Government of India in the Ministry of Information and Broadcasting No S.O. 3792 dated the 2nd December 1966, the Central Government after considering the recommendations of the Film Advisory Board, Bombay, hereby approves the films specified in column 2 of the Schedule annexed hereto in all its/their language versions to be of the description specified against it/each in column 6 of the said Schedule.

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

HOME SECRETARIAT

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Bangalore, dated 30th June 1978

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By Order and in the name of the Governor of Karnataka,

A. S. NAGARAJA,
Under Secretary to Government,
Home Department.

13

GOVERNMENT OF INDIA

Ministry of Information and Boardcasting

New Delhi-110001, the 6 June 1978.

ORDER

S. O....... In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the order of the Government of India in the Ministry of Information and Broadcasting No S.O. 3792 dated the 2nd December 1966, the Central Government after considering the recommendations of the Film Advisory Board, Bombay, hereby approves the films specified in column 2 of the Schedule annexed hereto in all its/their language versions to be of the description specified against it/each in column 6 of the said Schedule.

SCHEDULE

Sl. No.	Title of the Film	Length 35 mm. (in metres)	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purpose or a film dealing with news & current events or a documentary film.
1	2	3	4	5	6
1.	INR 1526	245. 0	Films Division, 24, Peddar Road, Bombay-26.	...	"News and Current Events".
2.	INR 1526 (Northern Edition)	298.00	do		Release in North circuit, "News and Current Events".
3.	INR 1527	244.00	do	...	"News & Current Events"
4.	INR 1527 (Eastern Edition)	293.00	do	...	Release in Eastern circuit, "News and Current Events".
5.	INR 1528	250.00	do	...	"News & Current Events"
6.	INR 1528 (Southern Edition)	302.00	do	...	Release in Southern circuit, "News and Current Events".
7.	INR 1529	298.00	do	...	"News & Current Events"
8.	INR 1530	237.00	do	...	do
9.	INR 1530 (Western Edition)	302.00	do	...	"News & Current Events" in Western Circuit
10.	INR 1531	242.00	do		"News & Current Events"

11.	INR 1531 (Northern Edition)	301.00	do		Release in Northern circuit "News and Current Events".
12.	INR 1532	223.00	do	...	"News & Current Events"
13.	INR 1532 (Eastern Edition)	302.00	Films Division 24 Peddar Road, Bombay-26.	...	release in Eastern circuit 'News & Current Events'.
14.	INR 1533	235.00	do	...	'News & Current Events'.
15.	INR 1533 (Southern Edition)	299.00	do	...	release in southern circuit, 'New & Current Events'.
16.	INR 1534 (Western Edition)	301.00	do		release in western region 'News and Current events'.
17.	INR 1534	243.00	do	...	'News & current Events'.
18.	INR 1535	221.00	do	...	do
19.	INR 1535 (Northern Edition)	287.00	do	...	release in Northern edition 'News & current Events'
20.	INR 1536	226.00	do		General release and classified 'News and Current Events'.
21.	INR 1536 (Eastern Edition)	302.00	do		release in eastern circuit and classified 'News & current Events'
22.	INR 1538	211.00	do	...	'News & Current Events'.
23.	INR 1538 (western Edition)	303.00	do	...	Release in Western region and classified as 'News & current Events'.
24.	Mahiti Chitra No. 270	259.08	Dhanraj Mahal, Ground Floor, Governmentt of Gujarat, Chhatrapati Shivaji Maharaj Marg, Bombay-39.		Release in Gujarat circuit, 'News & Current Events'.

11.	INR 1531 (Northern Edition)	301.00	do		Release in Northern circuit "News and Current Events".
12.	INR 1532	223.00	do	...	"News & Current Events"
13.	INR 1532 (Eastern Edition)	302.00	Films Division 24 Peddar Road, Bombay-26.	...	release in Eastern circuit 'News & Current Events'.
14.	INR 1533	235.00	do	...	'News & Current Events'.
15.	INR 1533 (Southern Edition)	299.00	do	...	release in southern circuit, 'New & Current Events'.
16.	INR 1534 (Western Edition)	301.00	do		release in western region 'News and Current events'.
17.	INR 1534	243.00	do	...	'News & current Events'.
18.	INR 1535	221.00	do	...	do
19.	INR 1535 (Northern Edition)	287.00	do	...	release in Northern edition 'News & current Events'
20.	INR 1536	226.00	do		General release and classified 'News and Current Events'.
21.	INR 1536 (Eastern Edition)	302.00	do		release in eastern circuit and classified 'News & current Events'
22.	INR 1538	211.00	do	...	'News & Current Events'.
23.	INR 1538 (western Edition)	303.00	do	...	Release in Western region and classified as 'News & current Events'.
24.	Mahiti Chitra No. 270	259.08	Dhanraj Mahal, Ground Floor, Governmentt of Gujarat, Chhatrapati Shivaji Maharaj Marg, Bombay-39.		Release in Gujarat circuit, 'News & Current Events'.

1	2	3	4	5	6
25.	A New Year of Goodwill	554.00	Films Division, 24, Peddar Road Bombay-26	...	"Documentary"
26.	Farmer's Friend State Farms	406.00	do		release in rural & semi-urban areas and classified as 'Documentary'
27.	Agriexpo 77	392–00	do	...	"Documentary"
28.	Mahitichitra No. 271	274.32	Govt. of Gujarat, Dhanaraj Mahal Ground floor, Chatrapati Shivaji Maharaj Marg, Bombay-39	...	release in Gujarat Circuit, 'News and Current Events'
29.	Uttar Pradesh Samachar No. 43	260.90	Directorate Information and Public Relations Deptt Uttar Pradesh Lucknow		release in Uttar Pradesh Circuit 'News and Current Events'
30.	Bearuty In Stone	273.91	Dilip Dutta C/o Atul. Chandra mitra Firingi Bazar, Cuttack (Oriessa)		"Documentary"
31.	Patan	272.82	Amarjeet Ranu, 51–Sita Smriti 3rd Floor, Thakurdwar Road Bombay-2		do
32.	Uttar Pradesh Samachar No. 45	275.00	Director, Information & Public Relations Department Uttar Pradesh, Lucknow		release in Uttar Pradesh Circuit 'News & Current Events'
33.	Uttar Pradesh Samachar No. 45	278.00	do		do
34.	Where Time Stands Still	318.00	Shri Dharm Pal, Bungalow No 5, Nazirwadi, Juhu Church Road, Juhu, Bombay-51		"Documentary"

35.	You and Weights and Measure	304.00	Shri Dharam Pal. Bungalow No 5 Nazirwadi, Juhu Church Road Juhu, Bombay-51	do
36.	Mahitichitra No. 272	274.32	The Asst. Director of Informations Govt. of Gujarat Dhanaraj Mahal, Ground Floor, Chatrapati Shivaji Maharaj Marge, Bombay-39	"News & Current Events" release in Gujarat Circuit
37.	Ponnikato Punarnirman	304.80	Andhra Pradesh State Film Development Corporation Ltd., 'Gruhakalpa' M. J. Road, Hyderabad	release in Andhra Pradesh News & Current Events'.
38.	Operation 100	225.00	M/s. Yogi Films, 12 Devdut, Bandstand. Bandra, Bombay-50	general release 'Educational'
39.	Bapalal Goes To Court	375.00	Films Division, 24, Peddar Road, Bombay	release in Gujarat language only 'Educational'
40.	Mahitichitra No. 273	187.76	Asst. Director of Information (T) Government of Gujarat, Dhanaraj Mahal, Gr. Floor. Chatrapathi Shivaji Maharaj Marg Bombay-39	release in Gujarat circuit 'News & Current Events'.
41.	Dr. Mohammad Iqbal	581.00	Ali Sardar Jafri, 10 Seeta Mahal, Bomaji Petit Road, Bombay- 36.	'Documentary'
42.	Progress With Power	305.00	24-Peddar Road Films Division, Bombay-26.	do
43.	Indian Mahile	-	Shri S. Sukhdev, United Film Arts 14 Rock House, Worli, Bombay-18	do
44.	The Unknown Freedom Fighters	439.00	Krishnaswamy Associations: Mahatma Gandhi Road, Shastrinagar, Madras.	do

1	2	3	4	5	6
45.	Mahiti Chitra No. 274	205.74	Govt. of Gujarat, Dhanaraj Mahal, Gr. floor Chatrapati Shivaji Maharaj Marg, Bombay-39.	...	release in Gujarat Circuit 'News & Current Events'.
46.	A Sister For Kittu	401.00	24-Peddar Road Films Division, Bombay-26.		release in Southern Circuit 'Educational'
47.	Madhya Pradesh Samachar Darshan No. 14	290 16	Asst. Director, Information & Publicity, Govt. of Madhya Pradesh, Bhopal		release in Madhya Pradesh as News and Current Events
48.	Sentinels at Sea	401.00	Films Division, 24, Peddar Road, Bombay-26.		General release "Documentary".
49.	Operation Airport	297 00	do		General release and classified "Documentary"
50.	Aham Bramasmi	395.44	Film Line Corp, Sivan Studio, Trivandrum.		General release and classified "as documentary"
51.	Khandyacha 'Khanderao Zala	308.00	Govt. of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-34		Release in Maharashtra circuit and classified as "Documentary"
52.	Maharashtra News No. 312	297.00	do		Release in Maharashtra Circuit and classified "News and Current Events" in Marati and Hindi versions
53.	Akashvani	528-00	Films Division 24, Peddar Road, Bombay-26.		"Documentary"
54.	The Announcement	600-00	do		Release in West Bengal circuit and classified "Educational".
55.	Enough	122.00	do		"Educational"

56.	Aluminium	320.65	H. R. Sarin, Sarin Production, 4, Peddar Road, Santacruz West, Bombay-54	"Documentary',
57.	Try...... And You Can	268.00	24, Peddar Road, Films Division, Bombay-26.	Release in semi-Urban and Rural circuits "Educational"
58.	The Race	172.00	do	"Educational"
59.	Asla Dadla Nako Ga Bai	279.00	do	Release in semi Urban and Rural circuits in Maharashtr classified 'Educational'
60.	And Then The Wedding	427 00	do	General release and classified as 'Educational'
61.	Machinewala	283.00	do	Release in Hindi circuit Educational
62.	Mahitichitra No. 276	192.02	Assistant Director of Information, Govt. of Gujarat, Dhanaraj Mahal Ground Floor, Chhatrapati Shivaji Maharaj Marg, Bombay-39	Release in Gujarat circuit and classified as "News and Current Events"
63.	Oli Mati Hiravi Sheti	293.00	Directorate General of Information and Public relations, Govt. of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-34	Release in Maharashtra circuit as "Documentary"

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

CORRIGENDUM No. DPAR 157 SAS 78

Bangalore, dated the 4th July 1978.

The Election Commission of India's Corrigendum No. 154/Karnataka/78 dated 17th June 1978 is republished as hereunder :—

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road,
New Delhi,

Dated : 17th June, 1978
27 Jyaistha, 1900 (S)

CORRIGENDUM

In the Election Commission of India Notification No. 154/Karnataka/78 dated 23rd May, 1978. the words "Zonal Manager (West) Food Corporation of India," occuring after the words "Shri R. Sampathkumaran, I A S," may be substituted by the words "Commissioner and Secretary to Government, Housing and Urban Development Department.

By Order,

Sd/-

V. NAGASUBRAMANIAN,
Secretary.

By Order and in the name of the Governor of Karnataka,

M. M. NAIK,
Under Secretary to Government,
DPAR (Services-I).

Printed by the Director of Printing, Sty. & Pubins. at the Govt. Press B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 407 SAS 77,
Bangalore, dated 19th July 1978

The Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms Notification No. 14013/1/78-AIS (III), dated 11th July 1978, is republished as hereunder:—

No. 14013/1/78-AIS (III)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms,
(Karmik Aur Prashasnik Sudhar Vibhag)
New Delhi, the 11th July 1978.

NOTIFICATION

In exercise of the powers conferred by rule 3A of the Indian Administrative Service (Probation), Rules, 1954, the President is pleased to confirm, in the Indian Administrative Service, the following members of the Indian Administrative Service borne on the State Cadre of Karnataka, with effect from the date shown against each:—

1	Shri A. M. Quaiser	28-1-1978
2	Shri Vittal Rai	28-1-1978
3	Shri A. R. Mohammed Iqbal Ahmad	28-1-1978
4	Shri M. Krishnamurthy	28-1-1978
5	Shri P. S. V. Rao	15-2-1978

R. L. AGGARWAL,
Under Secretary to the Government of India

By Order and in the name of the Governor of Karnataka,

M. M. NAIK,
Under Secretary to Government,
Department of Personnel and Administrative Reforms (Services-I)

Printed by the Director of Printing. Sty. & Publications, at the Govt. Press, B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT

HOME SECRETARIAT

Order No. HD 129 CNA 78,

Bangalore, dated 25th July 1978.

The Government of Karnataka hereby order that the accompanying Order No. 315/1/78 F (P), dated 26th June 1978 issued by the Government of India, Ministry of Information and Broadcasting, New Delhi and published in the *Gazette of India* Extraordinary, PartII, Section 3, Sub section (ii) shall be republished in the *Karnataka Gazette*, Part IV-Section 1 (C) for general information.

By Order and in the name of the Governor of Karnataka,

A. S. NAGARAJA,
Under Secretary to Government,
Home Department.

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Copy of Order No. 315/1/78 F (P) dated 26th June 1978 issued by the Government of India, Ministry of Information and Broadcasting, New Delhi and published in the *Gazette of India* Extraordinary, Part II Section 3, Sub-Section (ii).

ORDER

S. O.......In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the order of the Government of India in the Ministry of Information and Broadcasting No S. O. 3792 dated the 2nd December 1966, the Central Government after considering the recommendations of the Film Advisory Board, Bombay, hereby approves the films specified in column 2 of the Schedule annexed hereto in all its/their language versions to be of the description specified against it/each in column 6 of the said Schedule.

SCHEDULE

Sl. No.	Title of the Film	Length of the film (in metres)	Name of the Applicant	Name of the Producer	Brief whether a synopsis scientific film or for educational purpose or a film dealing with news & current events or a documentary films.
1	2	3	4	5	6
1.	INR 1537	251.00	Films Division, 24, Peddar Road, Bombay-26.	...	"News and Current Events".
2.	INR 1537 (Southern Edition)	303.00	do		Release in Southern Region "News and Current Events".
3.	INR 1539	215.00	do	...	"News & Current Events"
4.	INR 1539 (Northern Edition)	293.00	do	...	"News and Current Events". Release in Northern Region.
5.	INR 1541	237.00	do	...	"News & Current Events"
6.	INR 1541 (Southern Edition)	303.00	do	...	"News and Current Events". Release in Southern Region.
7.	INR 1542	244.00	do	...	"News & Current Events"
8.	INR 1542 (Western ition)	304.00	do	... ...	Release in Western Circuit "News & Current Events"

9.	INR 1543	196.00	Films Division, 24-Peddar Road, Bombay-26		"News & Current Events"
10.	INR 1543 (Northern Edition)	286.00	do		"News & Current events" release in Northern Region
11.	INR 1544	212.00	do	...	"News & Current Events"
12.	INR 1544 (Eastern Edition)	300.00	do	...	"News & Current Events" release in Eastern Circuit
13.	INR 1545	...	do	...	"News & Current Events"
14.	INR 1545 (Southern Edition)	...	do	...	"News & Current Events" release in Southern Region
15.	On to Bhutan	400.00	do		"Documentary"
16.	After the Wedding	379.00			Released in Karnataka "Educational"
17.	Who is responsible	440.00	do		"Educational"
18.	Maharashtra News No. 311	297.00	Director to General of Information and Publicity Relations, Govt. of Maha. Film Centre, 68-Tardeo Road, Bombay-34.		Release in Maharashtra Circuit, 'News & current Events'

1	2	3	4	5	6
19.	Mahitichitra No. 275	228.60	Assistant Director of Information (T), Govt. of Gujarat, Dhanaraj Mahal, Ground Floor, Chhatrapati Shivaji Maharaj Marg. Bombay-39	—	Release in Gularat Government Circuit 'News & Current Events'
20.	Marvel of Memory	453.00	Films Division, 24, Peddar Road, Bombay 26.		"Educational"
21.	Naya Jeevan	466.34	National Educational & Information Films Ltd., National House, Tulloch Road, Apollo Bunder, Bombay.		"Educational"
22.	Story of National Sampel Survey	349.80	Sanat K. Dasgupta, 4C, Valmeeki Street, Calcutta-26		"Documentary"
23.	Mahiti Chitra No. 277	259.08	Assistant Director of Information, Govt. of Gujaraj, Chanaraj Mahal, Ground Floor, Chhatrapati Shivaji Maharaj Marg, Bombay-39.		Release in Gujarat Circult "News & Current Events"
24	Uttar Pradesh Samachar No. 47	279.19	Dhinendra, Pande, Film Officer, C/o Bombay Film Director, Information andPublic Relation		Release in Uttar Pradesh Circuit "News and Current Events".

			Lab. Ltd., 149, S.K. Bole Road, Bombay-28.	Deptt. Uttar Pradesh, Lucknow.	
25	Uttar Pradesh Samachar No. 48	277.67	do	do	do
26	Naya Morh	282.85	V. Prabhakar, C/62, Flower Queen, Veera Desai Road, Andheri-58.	do	Release in Uttar Pradesh "Documentary"
27	Prayer	209.39	M/s. Triveni, 518, Jahangir Mansion, H. R. Mahajan Marg, Matunga, Bombay-19.		"Educational"
28	Swami Nityanand Aur Ganeshpuri	441.05	Sadguru Charan Films 107-Auto Commerce House, Kennedy Bridge, Bombay-7.		do
29	Uttar Pradesh Samachar No. 49	289.55	Dhirendra Pande, Film Officer, UP. C/o Bombay Film Lab. S. K. Bole Road, Bombay-18 (2) Director, Information & Public Relation Deptt. Uttar Pradesh, Lucknow.		Release in U.P. Circuit, as "News & Current Events"
30	A Farmer's Dream	1515.00	Prem Saarma, 12A/24, Karol Bagh, New Delhi.		"Documentary"
31	Uttar Pradesh Samachar No. 50	295.65	Dhirendra Pande, Film Officer, C/o Bombay film Lab (Pvt.) Ltd., 149, S. K. Bole Road, Bombay-28.		Release in U. P. Circuit and classified "News and Current Events".

1	2	3	4	5
			(2) Director. Information and Public Relations, Deptt. U.P., Lucknow.	
32	Maharashtra News No. 313	275.00	Directorate General of Information and Public Relations, Govt. of Maharashtra Film Centre, 68, Tardeo Road, Bombay-34.	Release in Maharashtra Circuit classified "News & Curren Events".
33	Mahitichitra No. 278	204.18	Asst. Director of Information, Govt. of Gujarat, Chanaraj Mahal. Ground floor, Bombay-9 (2) Asstt. Director of Information, Govt. of Gujarat, Bombay.	Release in Gujarat Circuit and classified as "News and current Events"
34	Rhythem of A Land and its People	480.05	Chal Chitra-8, Asha Colony, Juhu Road, Bombay-54. (2) Chal Chitra for Govt. of Goa, Daman & Diu, Deptt. of Information, Udyog Bhavan, Panaji, Goa.	"Documentory"
35	Uttar Pradesh Samachar No. 51	281.93	V. Prabhakar. Bombay Film Lab. 149, R.B.S.K. Bole Road, Dadar, Bombay-28. (2) Director, Information and Public Relations Deptt., Uttar Pradesh, Lucknow.	Releasein U. P. Circuit "News & Current Events"

36	Leprosy : Control and Rehabilitation	461.76	National Education & Information Films Ltd., National House, Tulloch Road, Apollo Bunder, Bombay-39.	"Educational"
37	Bhima Aani Chandrabhaga	293.35	Directorate General of Information & Public Relations, Govt. of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-34.	Release in Maharashtra Circuit "Documentary"
38.	Mahitti chitra No. 279	167.64	Director of Information, Govt. of Gujarat, Sachivalaya, Gandhinagar, (2) Assistant Director, Gujarat of Information, Dhanaraj Mahal, Ground floor, Bombay-39.	Release in Gujarat Circuit, "News and Current Events"
39.	Maharashtra News No. 134	182.00	Director General of Information and Public Relations, Government of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-34.	Release in Madhya Pradesh Circuit "News and Current Events"
40.	Madhya Pradesh Samachar Darshan No. 16.	288.94	Director, Information & Publicity, Government of Madhya Pradesh, Bhopal.	Release in Madhya Pradesh Circuit 'News & Current Events'
41.	Chitrakathi	520.00	Films Division, 24, Peddar Road, Bombay-26.	"Documentary"

(File No. 315/1/78-F (P).

Sd/-

(A. D. Malik)
Desk Officer.

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Reg. No. KRNA—25.

Karnataka Gazette

PUBLISHED BY AUTHORITY
(EXTRAORDINARY)
PART IV—1-C

BANGALORE, WEDNESDAY, AUGUST 9, 1978.
(SHRAVANA 18, SAKA ERA 1900).
No. 1124

ELECTION COMMISSION OF INDIA

NEW DELHI,
Dated 31st July, 1978
Sravana 9, 1900 (Saka)

NOTIFICATION

S. O. Whereas the Election Commission of India has decided to register the organisation with the name and style "Sikkim Prajatantra Congress" as a political party under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968.

Now, therefore, in pursuance of clause (c) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the said Symbols Order, the Commission hereby makes the following amendment to its notification No. 56/78 (1), dated 25th January 1978 published as S. O. 41 (E) in the Gazette of India, Extraordinary, Part II, Section 3 Sub-Section (ii), dated 25th January, 1978, namely-

In the Table appended to the said notification after entry 39; the following entry shall be inserted :

"40. Sikkim Prajatantra Congress......Sikkim"

[No. 56/78(1)-I]

By order,

K. GANESAN,
Under Secretary (Legal).

Printed by the Director of Printing Sty. & Publns. at the . Press B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 84 SPS 77

Bangalore, dated the 7th August 1978

The Government of India, Ministry of Home Affairs Notification No. I-18011/1/78-PERS. III dated 29th July 1978 is republished as hereunder.

No. I-18011/1/78-Pers. III
GOVERNMENT OF INDIA/BHARAT SARKAR
Ministry of Home Affairs/Grih Mantralaya
New Delhi 110001, *dated the 29th July 1978*
Sravana 1900.

NOTIFICATION

In exercise of the powers conferred by rule 3-A of the Indian Police Service (Probation) Rules, 1954, the President is pleased to confirm in the Indian Police Service, the following member of the Indian Police Service, borne on the State Cadre of Karnataka with effect from the date noted against him:—

Shri Subhas Bharani	25-10-1977.

Sd/-
C. Chakrabarty,
DIRECTOR

By Order and in the name of the Governor of Karnataka,

R. A. KALGHATGI,
Desk Officer,
Dept. of Personnel and Admv. Reforms,
(Services-A).

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

FOOD AND FOREST SECRETARIAT

Notification No. FFD 146 FCS 7[illegible].

Bangalore, dated 12th September 1978.

Ordered that the accompanying order No. GSR 800, dated 9th June 1978 of the Government of India, in the Ministry of Agriculture and Irrigation (Department of Food), New Delhi, regarding revised delegation order in supersession of GSR 316 (E) dated 20th June 1972 in respect of 'Foodstuffs' which has been published in the Gazette of India (Part-II Section 3-sub-section (i) dated 17th June 1978) be re-published in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

K. A. PADMASALI,
Under Secretary to Government,
Food and Forest Department.

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MINISTRY OF AGRICULTURE & IRRIGATION
(Department of Food)

ORDER

New Delhi, the 9th June, 1978.

G. S. R. 800.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), and in supersession of the Order of the Government of India in the late Ministry of Agriculture (Department of Food) No. GSR 316 (E) dated the 20th June, 1972, the Central Government hereby directs that the powers conferred on it by sub-section (1) of section 3 of the said Act to make orders to provide for the matters specified in clauses (a), (b), (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2) thereof shall, in relation to foodstuffs be exercisiable also by a State Government subject to the conditions—

(1) that such powers shall be exercised by a State Government subject to such directions, if any, as may be issued by the Central Government in this behalf ;

(2) that before making an order relating to any matter specified in the said clauses (a), (c) or (f) or in regard to

distribution or disposal of foodstuffs to places outside the State or in regard to regulation of transport of any foodstuff, under the said clause (d), the State Government shall also obtain the prior concurrence of the Central Government ; and

(3) that in making an order relating to any of the matters specified in the said clause (J) the State Government shall authorise only an officer of Government.

K. BALAKRISHNAN,

Deputy Secretary to Govt. of India.

(No. 3 (Genl) (1)/78-D & R (I)-59).

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 63 SAS 78

Bangalore, dated the 31st August 1978

The Government of India, Ministry of Home Affairs Department of Personnel and Administrative Reforms Notification No. 14015/30/77-AIS (I) dated 24th August, 1978, is republished as hereunder.

No. 14014/30/77-AIS (I)

GOVERNMENT OF INDIA/BHARAT SARKAR

Ministry of Home Affairs/Grih Mantralaya

Department of Personnel and Administrative Reforms

(Karmik Aur Prashasanik Sudhar Vibhag)

New Delhi, *dated the 24th August 1978*

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954, read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint Shri M. Narasingh Rao Madarkal a member of the State Civil Service of Karnataka to the Indian Administrative Service on probation and to allocate him to the cadre of Karnataka under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

Sd-(O. P. Kapahi)
DESK OFFICER
GOVERNMENT OF INDIA

By Order and in the name of the Governor of Karnataka,

(M. M. NAIK)

Under Secretary to Government,
Dept. of Personnel and Admv. Reforms
(Services-A).

FOOD AND FOREST SECRETARIAT

Notification No. FFD 339 FCS 77.

Bangalore, dated 12th September 1978.

Ordered that the accompanying order No. G. S. R. 389 (E), dated 31st July 1978 of the Government of India, Ministry of Commerce, Civil Supplies and Co-operation (Department of Civil Supplies and Co operation), New Delhi, regarding amendment to G. S. R. No. 86 (E) dated 28th February 1978 relating to the Usage of Vegetable Oils in the manufacture of Vanaspati, published in Part-II, Section-3, sub-section (i) of the Gazette of India extra-ordinary dated 31st July 1978 be re-published in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

K. A. PADMASALI,
Under Secretary to Government,
Food and Forest Department.

GOVERNMENT OF INDIA

Ministry of Commerce, Civil Supplies and Co-operation

(Department of Civil Supplies and Co-operation).

New Delhi, the 31st July, 1978.

ORDER

G. S. R. 389 (E) In exercise of the powers conferred by sub-clause (1) of clause 4 and sub-clause (1) of clause 4 B of the Vegetable Oil Products Control Order, 1947, the Vegetable Oil Products Controller for India hereby makes the following orders further to amend the order of the Government of India in the Ministry of Commerce, Civil Supplies and Co-operation (Department of Civil Supplies and Co-operation No. G. S. R. 86 (E) dated the 28th February, 1978, namely:—

In the said order, in the table,

(a) for item numbers 1 and 2 and the entries relating thereto, the following shall be substituted, namely:—

1	2	3	4
1. Imported Vegetable Oils supplied through the State Trading Corporation.	All regions	80	Quarterly basis.

1	2	3	4
2. Cottonseed oil, nigerseed oil, indigenous soyabean oil, ricebran oil, maize (corn) oil, watermelon seed oil, indigenous sunflower seed oil, mahua oil, safflower seed oil.	All regions	15	Quarterly basis.

2. This order shall come into force on the 1st August, 1978.

(No. 9-VP (4)/77)

Sd/-

T. BALAKRISHNAN,

Vegetable Oil Products Controller for India.

Printed by the Director of Printing, Sty. & Publications, at the Govt. Press, B'lore.

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

FINANCE SECRETARIAT

GOVERNMENT OF KARNATAKA

FINANCE DEPARTMENT.

From

The Financial Commissioner and
Secretary to Government, Finance Department.

To

The Secretaries to Government of Karnataka and
The Heads of Departments.

Sir, *Sub*:—**Deduction of Tax at source—Income tax deductions from Salaries during 1978-79**

No. FD 90 RIE 78 BANGALORE, DATED 29TH AUGUST 1978

I am directed to forward herewith a copy of circular No. 242 (Letter No. 275/10/78 IT (B) dated 7th June 1978) from the Deputy Secretary, Department of Revenue and Banking, Government of India, New Delhi, with its Annexures for information and necessary action.

Suitable instructions may also be issued to all the subordinate officers of your Department in this behalf.

Yours faithfully,

C. SIVANNA,

Under Secretary to Government,
Finance Department. (Services).

Immediate Circular No. 242

F. No. 275/10/78-IT(B)
Government of India
MINISTRY OF FINANCE
Department of Revenue
(Central Board of Direct Taxes)
New Delhi, the 7th June, 1978

From

S. R. Wadhwa,
Deputy Secretary to the Government of India.

To

All State Governments.

Sir,

Subject :—Deduction of tax at source-Incom-tax deduction from salaries during 1978-79

I am directed to invite a reference to this Ministry's Circular No. 225 (F. No. 275/13/77-ITB) dated the 30th June, 1977. The Finance Act, 1978, *inter alia,* prescribes the rates at which incometax is to be deducted during the financial year 1978-79 from income chargeable under the head 'Salaries'. An extract of Sub-paragraph I of paragraph A of Part III of the Schedule to the Finance Act, 1978 is at Annex I. These rates will be applicable to the deduction of tax on income from 'Salaries' paid or payable on or after 1st April, 1978. These rates are the same as those laid down in Sub-paragrhph I of paragraph A of Part III of the First Schedule to the Finance (No. 2) Act, 1977, for the purposes of deduction of tax at source from 'Salaries' during the financial year1977-78.

2. The substance of the main provisions in the law so far as they relate to income from 'Salaries' on which tax is to be deducted at source during the financial year 1978-79 is given hereunder :—

(i) No tax will be deductible at source in any case unless the estimated salary income for the financial year exceeds Rs. 10,000/-. Where such income exceeds Rs. 10,000/- by a small margin, the person will be entitled to marginal relief as provided in the said Sub-paragraph. A few typical examples of calculations are given in Annex II.

(ii) The value of the perquisites by way of free residential accommodation and motor cars provided by empleyers to their employees shall be determined under Rule 3 of the Income-tax Rules, 1962 and it shall be taken into account for the purpose of computing the estimated salary income of the employees for the purpose of deduction of tax at source during the financial year 1978-79.

(iii) The amount repaid to an employee from the Additional Dearness Allowance Deposit Account under the provisions of Additional Emoluments (Compulsory Deposit) Act, 1974 shall be liable to be included in his total income of the previous year in which it is repaid as already explained in this Ministry's Circular No. 182 F. No. 275/12/75-ITJ) dated 28th October 1975 [printed at (1975) 101/I.T.R. (St) 130]. The amount repaid will include an element of interest also. While the repayment of principal sum will be regarded as salary paid during the relevent financial year and assessed to tax accordingly, the interest element will qualify for deduction in accordance with section 80L of the Income-tax Act, 1961.

(iv) The amount of deposit made by a tax payer under the Compulsory Deposit Scheme (Income-tax payers) Act 1974 is not allowable as deduction in computing his taxable income. Accordingly such deposit has to be ignored for the purposes of determining the amount of incom-tax deductible at source.

(v) Under Section 16 of the Income-tax Act, 1961, the taxable salary is to be computed after providing a standard deduction in respect of expenditure incidental to employment. The standard deduction is to be allowed in an amount equal to 20% of the salary upto Rs. 10,000/- and 10% of the salary in excess thereof, subject to a maximum of Rs. 3,500/-. For this purpose, the term "salary" will include fees, commission, perquisites or profits in lieu of or in addition to salary but will not include any payments received by the employee which are specifically exempt from tax under clauses (10), (10A), (10B), (11), (12). and (13A) of section 10 of the Income-tax Act. Thus, house rent allowance to the extent exempt under section 10(13A) of the Income-tax Act will not be taken into account for the purposes of computing the amount of the standard deduction. It may be noted that the standard deduction on the above basis to be allowed irrespective of whether any expenditure incidental to employment is *actually* incurred by the employee or not. This deduction will, however, not be admissible in the case of retired pensioners who have not been in emplopment at any time during the financial year 1978-79. In the case of persons who retire from service in the course of the financial year 1978-79, the standard deduction will be calculated only with reference to the salary derived from employment during the financial year without making into account the pension received by the employee. Further, the standard deduction will be limited to Rs. 1,000 only in cases (a) where the employee is in receipt of a conveyance allowance at any time during the financial year, or (b) where he is provided with any motor car, motor cycle, scooter or other moped by his employer (for use otherwise than wholly or exclusively in the performance of his duties) or where he is allowed the use of any one of more motor cars (otherwise than wholly or exclusively in the performance of his duties) out of a pool of motor cars owned or hired by the employer at any time during the financial year. In this connection it may be noted that the use of a motor car by the employee for the purposes of going from his residence to the place where the duties of employment are to be performed or from such place back to his residence will not be regarded as use of the motor car in the performance of his duties.

(vi) Under Section 80-C of the Income-tax Act, 1961 while computing the taxable income, the disbursing officers should allow a deduction of the whole of the first Rs. 5,000,50% of the next Rs. 5000 and 40 per cent of the balance of the qualifying amount of payments towards life insurance premia, contributions to provident fund, contributions for participation in the Unit-linked Insurance Plan, 1971 made under section19 (1) (cc) of the Unit Trust of India Act, 1963 and deposits in a 10-year Account or 15-year Account under the Post Office Savings Bank (Cumulative Time Deposit) Rules, 1959. It may be mentioned that the monetary ceiling limit in respect of contributions to recognised provident funds laid down in clause (d) of sub-section (2) of Section 80C of the Income-tax Act as qualifying for tax relief has been raised from Rs. 8000 to Rs. 10,000 through the Finance Act, 1976. The qualifiying amount of these items taken together will be limited to 30 per cent of the estimated "salary" [after the deduction in respect of expenditure incidental to the employment of the assessee referred to in item (v)] or Rs. 30,000 whichever is less.

(vii) Section 80FF of the Income-tax Act, 1961 provides for deduction in respect of the expenditure incurred by a person on higher education of his dependent children, brother or sister. The deduction is admissible only in the case of Indian citizens whose 'gross total income' does not exceed Rs 12,000 where the said dependent of the assessee is studying for a degree or post-graduate course in medicine (including surgery and obstetrics), architecture, engineering, technology or bussiness management, a deduction of Rs. 1,000 and where the dependent is studying for a diploma course in these subjects or for any other degree or postgraduate course, a deduction of Rs. 500 for each dependent is to be allowed. In cases where the assessee has incurred expenditure on the education of more than two dependents the deduction under the proposed provision will be allowed at the above rates with reference to two such dependents as may be chosen by him. It may be noted that deduction at this rate is to be allowed irrespective of the actual amount spent by the assessee provided some amount is spent by the assessee on such education. The benifit of this deduction can be allowed at the stage of deduction of tax at source on assessee's furnishing a certificate to the effect that he has incurred expenditure during the previous year out of his income chargeable to tax on full time education of his child (ren), brother or sister wholly or mainly dependent on him and also declaring the nature of the course for which they are studying.

(viii) Under section 10 (13A) of the Income-tax Act, 1961, any special allowance specifically granted to an assessee by his employer to meet expenditure actually incurred on payment of rent(by whichever name called) in respect of residential accommodation occupied by the assessee is exempt from income-tax to the extent (not exceeding Rs. 400 p. m.) as may be prescribed having regard to the area or place in which such accommodation is situated and other relevant considerations. Rule 2A of the Income-tax Rules, 1962 prescribes the limits in respect of the amount which is not to be included in the total income of the assessee for the purpose of section 10 (13A) of the Income-tax Act. It has to be noted that only the expenditure actually incurred on payment of rent in respect of residential accomodation occupied by the assessee, subject to the limits laid down in Rule 2A, qualifies for exemption from income-tax. Thuse, House Rent Allowance granted to an employee who is residing in a house/flat owned by him is not exempt from income-tax. The disbursing authorities should satisfy themselves in this regard by insisting on production of evidence of actual payment of rent before excluding the House Rent Allowance from the taxable income of the employee.

(ix) No deduction should be made from the salary income in respect of any donations for charitable purpose. The tax relief on such donations admissible under section 80G of the Income—tax Act will have to be claimed by the tax-payer separately at the time of the finalisation of the assessment. However, in cases where contributions to the National Defence Fund, Jawaharlal Nehru Memorial Fund, the Prime Minister's Drought Relief Fund, or the Prime Minister's National Relief Fund are made, 50 per cent of such contributions may be deducted in computing the taxable income of the employee. Deduction will not be admissible where the aggregate of such contributions for the year is less than Rs. 250.

(x) Under section 80GG of the Income-tax Act, 1961, an assesse is entitled to a deduction in respect of house rent paid by him for his own residence at the places specified in Rule 11B of the Income-Tax Rules. 1962, Such deduction is permissible subject to following conditions :—

(a) the assessee has not been in receipt of any house rent allowance specifically granted to him which qualifies for exemption under section 10 (13A) of the Act ;

(b) he will be entitled to a deduction in respect of house rent paid by him in excess of 10 per cent of his total income subject to a ceiling of 15 per cent thereof or Rs. 300/- per month, whichever is less, The total income for working out these percentages will be computed before making any deduction under section 80GG ;

(c) the assessee does not own any house property himself anywhere, nor does his spouse, minor child or the Hindu Undivided Family of which he is a member own any house property anywhere;

(d) the accommodation occupied by him for the purpose of his own residence is situated in any of the following places, namely, Agra, Ahmedabad, Allahabad, Amritsar, Bangalore, Bombay, Calcutta, Cochin, Coimbatore, Delhi, Hyderabad, Indore, Jabalpur, Jaipur, Kanpur, Lucknow, Madras, Madurai, Nagpur, Patna, Pune (Poona), Sholapur, Srinagar, Surat, Trivandrum, Vadodara (Baroda) and Varanasi (Banaras).

The disbursing authorities should satisfy themselves that all the conditions mentioned above are satisfied before such deduction is allowed by them to the assessee. They should also satisfy themselves in this regard by insisting on production of evidence of actual payment of rent.

(xi) Section 10 (14) of the Income-tax Act, 1961 provides for exemption from income-tax of any special allowance or benefit not being in the nature of an entertainment allowance or other perquisite within the meaning of clause (2) of section 17, specially granted to the employee to meet the expenses actually incurred wholly, necessarily and exclusively in the performance of the duties of an office or employment of profit. In view of this provision, disbursing authorities have been authorised vide Board's Circular No. 196 (F:No. 275/29/76 ITJ) dated 31st March 1976 [printed at (1976) 103 ITR (St) 38-39] not to deduct tax at source from conveyance allowance granted to an employee to the extent it is exempt under the said section. It has been stated therein that the employee in receipt of conveyance allowance would have to furnish the necessary certificate before the disbursing authority in support of the fact that the conveyance allowance is only a reimbursement of expenses laid out wholly, necessarily and exclusively for the performance of duties of an office or employment of profit. The satisfaction of the disbursing authorities would still be liabee for scrutiny by the Income-tax Officer during regular assessment proceedings before him. The disbursing authority is also required to endorse a certificate in terms of section 10(14) on the tax deduction certificate issued under section 203 of the Income-tax Act, 1961. In this connection, attention is invited to the *Explanation* to clause (14) of section 10 which clarifies that any allowance granted to the assessee to meet his personal expenses at the place where the duties of his office or employment of profit are ordinarily performed by him or at the place where he ordinarily resides shall not be regarded for purposes of that clause, as a special allowance granted to meet expenses wholly, necessarily and exclusively incurred in the performance of such duties. This may be kept in view while deciding whether any expenditure from the special allowance has been actually incurred and if so the extent to which it has been incurred to meet the expenses wholly, necessarily and exclusively in the performance of duties of an office or employment of profit.

(xii) Section 80RRA provides that where the gross total income of an individual who is a citizen of India includes any remuneration received by him in foreign currency from any employer (i.e., foreign employer or an Indian concern) for any services rendered by him outside India, 50 per cent of such remuneration will be deducted in computing the taxable income. It also provides that where the assessee renders continuous service abroad for more than 36 months, the remuneration received by him for any period of service after the expiry of the said 36 months will not qualify for any deduction. In the case of employees of Central Government or any State Government, or persons who were, immediately before taking up service outside india, in the employment of the Central Government or any State Government, the deduction will be allowed if the service of the employee is sponsored by the Central Government, In the case of other individuals the deduction will be allowed only if the individual is a "technician" and terms and conditions of service outside India are approved for the purposes of the said section by the Central Governmet or the prescribed authority. It is pertinent to note that the deduction is to be allowed with reference to the remuneration received by the individuals in "foreien currency." Thus, if a part of the remuneration is paid to the Indian technician, etc. in Indian currency, the amount paid in Indian currency will not be taken into account for the purposes of the deduction under section 80 RRA. The expression "foreign employer" has been defined under Explanation (b) to section 83 RRA. to mean—

(i) the Government of a foreign State;

or

(ii) a foreign enterprise;

or

(iii) any association or body established outside India.

Where the continuous service outside India exceeds 36 months, the deduction admissible under section 80RRA may be limited to a period of 36 months. In allowing the deduction, documentary evidence should be obtained on the following points:—

(a) In the case of an individual who is in the employment of the Central Government or any State Government, the fact of his service being sponsored by the Central Government; and

(b) In the case of any other individual being a technician, the fact of the terms and conditions of his service outside India being approved in this behalf by the Central Government (Ministry of Finance, Department of Revenue Foreign Tax Division, New Delhi).

(xiii) The total income computed in accordance with the provisions of the Act should be rounded off to the nearest multiple of ten rupees by ignoring the fraction which is less than five rupees and increasing the fraction which amounts to five rupees or more, to ten rupees. The net amount of tax deductible should be similarly rounded off to the nearest rupee.

(xiv) Attention is also invited to section 276B, where it is provided that if a person without reasonable cause or excuse fails to deduct or after deducting fails to pay the tax as required under the provisions of Chapter XVIIB of the Income Tax Act, 1961, he shall be punishable :—

(i) in a case where the amount of tax which he has failed to deduct or pay exceeds one hundred thousand rupees, with rigorous imprisonment for a term which shall not be less than six months but which may extent to seven years and with fine ;

(ii) in any other case, with rigorous imprisonment for a term shall which not be less than three months but which may extend to three years and with fine.

3 While making the payment of tax deducted at source to the credit of the Central Government, it may kindly be ensured that the correct amount of income-tax and surcharge is recorded in the relevant challan namely challan on Form No. ITNS 39. Wherever the amount of tax deducted at source is credited to the Central Government through book adjustment, care should be taken to ensure that the correct amount of income-tax and surcharge is reflected there

4 These instructions may please be brought to the notice of all disbursing officers and State Undertakings under the control of the State Government.

Yours faithfully,

S. R WADHWA,

Deputy Secretary to Government of India

ANNEX—I

EXTRACT FROM THE FINANCE ACT, 1978

PART III OF THE SCHEDULE

PARAGRAPH A

Sub-Paragraph I

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

Rates of Income-tax

1	Where the total income does not exceed Rs. 8,000	Nil;
2	Where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000	15 per cent of the amount by which the total income exceeds Rs. 8,000;
3	Where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000	Rs. 1,050 plus 18 per cent of the amount by which the total income exceeds Rs. 15,000;
4	Where the total income exceeds Rs. 20,000 but does not exceed Rs 25,000	Rs. 1,950 plus 25 per cent of the amount by which the total income exceeds Rs. 20,000;
5	Where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000	Rs. 3,200 plus 30 per cent. of the amount by which the total income exceeds Rs. 25,000;
6	Where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000	Rs. 4,700 plus 40 per cent. of the amount by which the total income exceeds Rs. 30,000;
7	Where the total income exceeds Rs. 50,000 but does not exceed Rs. 70,000	Rs. 12,700 plus 50 per cent. of the amount by which the total income exceeds Rs. 50,000;
8	Where the total income exceeds Rs. 70,000 but does not exceed Rs. 1,00,000	Rs. 22,700 plus 55 per cent of the amount by which the total income exceeds Rs. 70,000;
9	Where the total income exceeds Rs. 1,00,000	Rs. 39,200 plus 60 per cent of the amount by which the total income exceeds Rs. 1,00,000.

Provided that for the purposes of this sub-paragraph,—

(i) no income-tax shall be payable on a total income not exceeding Rs. 10,000;

(i) where the total income exceeds Rs. 10,000 but does not exceed Rs. 10,540 the income-tax payable thereon shall not exceed seventy per cent of the amount by which the total income exceeds Rs. 10,000.

Surcharge on Income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of fifteen per cent. of such income-tax.

ANNEX—II

TYPICAL EXAMPLES OF INCOME TAX CALCULATION

EXAMPLE I

		Rs.	Rs.
1	Total salary income	16,000	
2	Contribution to General Provident Fund	2,000	4,000
3	Payments towards life insurance premia	1,000	
4	Participation in Unit-linked Insurance Plan, 1971 made under section 19(1)(cc) of the Unit Trust of India Act, 1963 (52 of 1963)	500	
5	Deposits in a 10-year account or 15-year account under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959	500	
6	Total salary income	16,000	
7	Deduct: amount by way of standard deduction under section 16(i) of the Income-tax Act, 1961, in respect of expenditure incidental to employment @Rs. 2,000 plus 10% of the amount by which salary exceeds Rs. 10,000.	2,600	
		13,400	
8	Deduct: whole of Rs. 4,000 of qualifying contributions towards G.P.F., Life insurance premia, Unit-linked Insurance Plan and deposit in a 10-year account or 15-year account under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959.	4,000	
9	Taxable income	9,400	
10	Income-tax payable on Rs. 9,400.	Nil	

EXAMPLE II

1	Total Salary income	17,500	
2	Contribution to General Provident Fund	2,000	4,500
3	Payments towards life insurance premia	1,500	
4	Participation in Unit-linked Insurance Plan, 1971, made under section 19(1)(cc) of the Unit Trust of India Act, 1963.	500	
5	Deposits in a 10-year account or 15 year account under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959.	500	

6	Total salary income	17,500
7	Deduct: amount of standard deduction under section 16(i) of the Income-tax Act, 1961, in respect of expenditure incidental to employment Rs. 2,000 plus 10% of the amount by which salary exceeds Rs. 10,000.	2,750
		14,750
8	Deduct: amount on account of contributions towards G.P.F., Life Insurance premia, Unit-linked Insurance Plan and Deposit in 10 year account or 15-year account under Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959 Total amount paid Rs. 4,500 but restricted to 30% of Rs. 14,750 i.e., Rs. 4,425	4,425
9	Taxable income	10,325
	or rounded off to	10,330
10	Income-tax on Rs. 10,330 (*i. e.* @ 15% of Rs. 2,330) Rs. 349.50 but restricted to Rs. 231 being 70% of the amount by which the total income exceeds Rs, 10,000 *i. e.* 70% of Rs. 330 Thus income-tax payable on Rs. 10,330	231.00
	Surcharge on income-tax @ 15%	34.65
		265.65
11	Total tax payable (Rounded off to)	266.00

EXAMPLE III

1	Total salary income (including Rs. 2,400 as conveyance allowance @ Rs 200 p. m. received from the employer)	30,000	
2	Contribution to General Provident Fund	3,000	
3	Payments towards life insurance premia	3,000	
4	Participation in Unit-linked Insurance Plan, 1971 made under section 19 (1) (cc) of the Unit Trust of India Act, 1963	2,000	10,000
5	Deposit in a 10-year account or 15-year account under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959	2,000	
6	Total salary income [It is presumed that conveyance allowance is *not* exempt u/s 10 (14) of the I. T. Act.]	30,000	
7	Deduct: amount of standard deduction under section 16 (i) of the Income-tax Act, 1961, in respect of expenditure incidental to employment restricted to Rs. 1,000 in view of clause (1) of the proviso to section 16 (i)	1,000	
		29,000	
8	Deduction on account of contributions towards G. P. F., Life Insurance premia, Unit-linked Insurance Plan and deposits in 10-year account or 15-year account under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959. Paid Rs. 10,000 in all but limited to 30% of Rs. 29,000 *i. e.* Rs. 8,700 on the first Rs. 5,000 (full) Rs. 5,000 on the next Rs. 3,700 @ 50% Rs. 1,850	6,850	
9	Taxable income	22,150	
10	Income-tax payable on Rs. 22,150	2,487.50	
11	Surcharge on income tax @ 15%	373.13	
		2,860.63	
12	Total tax payable (Rounded off to)	2,861.00	

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 10 LCR 78.

Bangalore, dated the 15th September 1978.

Ordered that the following Notification No. F. 26 (6)/IT/TM/78, dated 18th August, 1978 of the Government of India (Ministry of Commerce, Civil Supplies and Co-operation) be republished in the Karnataka Gazette for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Department of Law and Parly. Affairs.

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION OF INDIA

ASHOK ROAD,
NEW DELHI-1.

NOTIFICATION

Dated 20th September 1978.

No. 82/KT-LC/1/76 (77).—In pursuance of section 111 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the report dated 14th October, 1977 of the High Court of Karnataka at Bangalore in Election Petition No. 1 of 1976.

By order,
T. NAGARATHNAM,
Secretary to the Election Commission of India.

REPORT OF WITHDRAWAL TO THE ELECTION COMMISSIONER IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Election Petition No. 1 of 1976.

Govind P. Vadeyaraj, S/o Parushuram Vadeyaraj,
aged 38 years, Housing Board Colony,
Behind District Court, Gulbarga. ...*Petitioner*
(By Sri N. Santhosh Hegde)

Vs

1. The Returning Officer, Gulbarga Local Authorities Constituency, Karnataka Legislative Council and Deputy Commissioner, Gulbarga District, Gulbarga.
2. Baswant Rao S/o Shivappa Gouda, major, r/o Raddewadgi, Post Kolkur, Jewargi Tq., Gulbarga District. ...*Respondents*

(By I Additional Govt. Advocate for R-1)
(By Sri B. S. Raikote for R-2).

Election Petition filed under Section 81 of the Representation of People Act-Act No. 43 of 1951, by the petitioner on 7th July 1976 praying that this Hon'ble Court may be pleased (1) to call for the entire records from the 1st respondent; (2) to declare that the 2nd respondent is disqualified under Section 9-A of the Representation of People Act from contesting an election to the Karnataka Legislative Council; (3) to declare the election of the 2nd respondent to the seat, to represent the Gulbarga Local Authorities Constituency in the Karnataka State Legislative Council in the election held on 6th June 1976 as invalid; (4) to further declare that the petitioner has instead been duly elected to represent the Gulbarga Local Authorities Constituency in the Karnataka Legislative Council, pursuant to the election held to the said seat on 6th June 1976, and (5) to grant costs of the petition.

Subsequent thereto, the petitioner filed an application on the 13th April 1977 under Section 109 and 110 of the Representation of People Act, 1951 for leave of the Court to withdraw his petition.

By order dated 27th day of June 1977 passed by this Court, the aforesaid petition has been dismissed as withdrawn without the costs of either of the parties.

It is therefore for the information of the Election Commission under Sections 111 of the Representation of People Act, 1951 that the above Election Petition has been dismissed as withdrawn without the costs of either of the parties.

By Order of the Court

Sd/-

Assistant Registrar.

ANNEXURE

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated the 27th day of June 1977

BEFORE

THE HON'BLE MR. JUSTICE D.B. LAL

ELECTION PETITION NO. 1 OF 1976

BETWEEN :

Govind P. Vadeyaraj, S/o Parshuram Vadeyaraj,
aged 38 years, Housing Board Colony,
Behind District Court, Gulbarga. ... *Petitioner*

(By Sri N. Santhosh Hegde)

-Vs-

1. The Returning Officer, Gulbarga Local Authorities Constituency, Karnataka Legislative Council & Deputy Commissioner, Gulbarga District, Gulbarga.
2. Baswant Rao, S/o Sivappa Gowda, Major, Resident of Raddewadgi, Post Kolkur, Jawargi Taluk, Gulbarga Dist. ... *Respondents*

(By Sri K. S. Puttaswamy, I Addl. Government
Advocate for the Respt. No. 1,
and Sri B. S. Raikote, for the Respt. No. 2)

Election Petition filed by the Petitioner under Section 81 of the Representation of the People Act, 1951 challenging the Election of the Respondent No. 2 to the Mysore Legislative Council, from Gulbarga Local Authorities Constituency in the Bye-Election held in June 1976 and seeking an order that (i) entire records be called for from the I Respondent, (2) the II Respondent be directed to be disqualified under S. 9-A of the Representation of the People Act from contesting an Election to the Karnataka Legislative Council (3) the Election of the 2nd Respondent to the seat, to represent the Gulbarga Local Authorities Constituency, in the Karnataka Legislative Council, in the Election held on 6th June 1976 be held as invalid. (4) that it be further declared that the Petitioner has instead been duly elected ; and (5) for such consequential reliefs and costs of the petition.

This Election Petition coming on the trial on 20th January 1977, 31-1-1977, 21-2-1977 28-3-1977, 11-4-1977, 12-4-1977 and 13-4-1977 in the presence of Sri N. Santhosh Hegde, Advocate for the Petitioner and Sri K. S. Puttaswamy, I Additional Government Advocate and Advocate for the Respondent No. 1 and Sri B. S. Raikote, Advocate for Respondent No. 2, and this Election Petition having stood over for consideration, the Court made the following order this 27th day of June, 1977.

ORDER

This election petition is filed, contesting the Election of respondent No. 2 who was successful in the Election for the Local Authorities Constituency for the Karnataka Legislative Council from Gulbarga District. Respondent No. 1 is the Returning Officer, Gulbarga Local Authorities Constituency.

2. The only ground on which the petitioner sought for the quashing of the Election of the respondent No. 2 was, that the latter was due for arrears to the Government in respect of excise dues and other claims. The Election petition was filed in this Court on 7th July 1976 and it was based on a certificate issued to the petitioner on 15th May 1976 wherein it was specified that the respondent No. 2 was due to the Government in a sum of Rs. 5,000/- in respect of the excise dues. Subsequently, it appears the respondent No. 2 obtained another certificate from the Government which is dated 17th August 1976, obviously after filing of the election petition saying that nothing is due from the respondent No. 2 in respect the excise dues or any other dues. It is therefore clear that the very same authority has rendered nugatory the previous certificate dated 15th May 1976 on the basis of which the petitioner filed the present Election petition. The learned counsel for the petitioner also submits that on that ground, it is not like that the petitioner would succeed and as such he sought leave of this Court to withdraw the Election petition.

3. It is manifest, the petitioner is not induced by any bargain or consideration, nor can it be stated that for any such reason the petitioner, has asked for the withdrawal of the Election petition. As such, the petitioner is entitled to withdraw the petition.

4. Due publication of the notice was made in the official Gazette under Sedtion 109 (2) of the Representation of the People Act, 1951.

5. The petition is therefore dismissed as withdrawn.

As regards costs, it is abundantly clear that for no fault of the petitioner, the only ground which was previously made out in his favour, is no longer thereto sustain the petition. In the circumstances, the petitioner cannot be saddled with the costs of either of the parties. The notice of withdrawal may be published in the official Gazette as required U/s. 110 (3) (b).

After the expiry of 14 days period of time in case no one has applied for his substitution as petitioner in place of the party withdrawing, a report in respect of the withdrawal of the petition shall be submitted to the Election Commissioner.

Sd/-
D B. LAL,
Judge.
27th June 1977.

"Copy"

Sd/-
II Assistant Registrar

(Seal)

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN,
ASHOK ROAD
NEW DELHI-1.

NOTIFICATION

Dated 22 July, 1978

No. 82/KT-LC/1/74/—In pursuance of clause (b) of sub-section (2) of section 116(C) of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the orders dated 28th July and 6th December, 1977 of the Supreme Court of India in Civil Appeals No. 1114(NCE) of 1977 against the Judgment dated 22nd September, 1976 of the Karnataka High Court in Election Petition No. 1 of 1974.

IN THE SUPREME COURT OF INDIA

Civil Appellate Jurisdiction

Civil Appeal No. 1114 *of* 1976

NARENDRA MADIVALAPPA KHENI .. APPELLANT

Versus

MANIKRAO PATIL AND OTHERS RESPONDENTS

JUDGMENT

Krishna Iyer, J—

Four heavy volumes of case records confronted us in this appeal, as counsel opened the arguments, but some Socratic processing seemed to condense the controversy and forensic prolixity so much so we first thought the case had shrunk to such small dimensions as to be disposed of in a short judgment. But what we initially felt, when the brief narration of facts was given, proved a snare. For, when we read out in court our opinion on the only crucial aspect of the case, counsel for the 1st respondent hopefully insisted that the factual grounds, requiring our ploughing through ponderous tomes of testimonial collection, pleadings and what not, should be investigated as he expected to sustain the invalidation of the election by the High Court on the score of corrupt practice and the consequential disqualification of the rival candidate *i.e.*, the appellant before us. He was entitled to press that part of his case and so we agreed to hear both sides extensively thereon.

However, hours of argument after, we were back to square one. At this stage, some relevant facts and circumstances need narration. The Karnataka Legislative Council has, in its composition, some members elected from the local authorities' constituencies. One such member is elected by the local Bodies of Bidar district and the specific election that falls for decision was held on May 12, 1974. According to the calendar for the poll contemplated in s.30 of the Representation of the People Act, 1951 (hereinafter called the 1951 Act), the last date for presenting the nominations was appointed as April 17, 1974. Section 33(I), requires that each candidate shall deliver to the returning officer a nomination paper as set out in the section " between 11 o'clock in the forenoon and 3 o'clock in the afternoon ". The appellant and the first respondent did file their nominations in conformity with the law; their scrutiny over, they entered the fray and, after the poll was over, the appellant was declared elected, having secured 64 votes as against the 1st respondent's 54 votes. The frustrated 1st respondent found 16 illegitimate votes having been cast in favour of the successful candidate and further discovered that these 16 electors were ineligible to figure on the electoral roll but had been surreptitiously introduced therein by collusion, fraud and other improper machinations in which the returned candidate and the returning officer were collaborative actors. The purity of the election was polluted. The result of the poll was materially affected. The electoral process was vitiated by "corrupt practice" in which the appellant and the 2nd respondent were *particeps criminis*. He ventured on an election petition with the prayer to set aside the poll verdict *inter alia* under section 123(7) of the 1951 Act and also sought a declaration that he was duly elected on the score that the exclusion of the invalid votes, very probably cast in favour of the appellant, led inevitably to his arithmetical success as the one who had secured the larger number of valid votes. Such was his case.

The Petitioner had made somewhat vague, sweeping and speculative allegations about Government, higher and lower echelons of officialdom and the rival candidate but, if an apology for specificity is partially present in the petition, it is about the charge of corrupt practice roping in the returning officer-*cum*-electoral registering officer (2nd respondent) and the successful candidate (appellant). No issue was originally framed on the critical question of corrupt practice but the learned judge permitted evidence thereon to be adduced a procedure difficult to appreciate. After the trial was virtually closed and the arguments finished, the Court discovered the need for framing this decisive issue. On objection as to the absence of material facts and/or material particulars, the learned Judge framed an issue also on the actual vagueness and legal flawsomeness of pleadings on corrupt practice. Naturally, this latter question demanded prior decision but, curiously, the Court delivered all its findings on the day of judgment, a *fa-ux pass* which we must point out. Processual proprieties are designed to ensure fair play in adjudications and while such prescriptions are not rigid punctilios, their observance serves to help the judge do effective justice between parties and the disputants have faith in the intelligent impartiality and full opportunity so necessary for the success of the rule of law. In election proceeding where the whole community is silently present and the controversy is sensitive and feelings suspicious, the principles of procedural ractitude apply *a fortiori*. The judge is the quardian of processual justice and must remember that judgment on judgment belongs, in the long run, to the people. We state that stern proposition here not merely because a forensic stitch in time saves cassational nine but because courts are on continuous trial in a democracy. In this case we are not satisfied that either party has suffered in substence and procedural breaches, unless they spell unmerited prejudice, may be brushed aside at the appellate level.

Having said this, we hasten to add that had not the learned judge uncovered the suspect happenings sinisterly hovering around the last day for finalising the electoral roll, the dubious doings of the political government in a seat-hungry setting might not have been ventilated for public edification. The electoral events brought out in evidence are "power" portents to be prevented pre-emptively by law and this prompts us to deal with the testimonial circumstances surrounding the inviolable roll of voters having been adulterated after the final hours, zealous officers frantically exerting themselves in what seems at first sight to be a series of belated circus operations geared to inclusion of additional names in the roll before 17th Mid-night drew the curtain. Caesar's wife must be above suspicion and wielders of public power must fill this bill. A moral matrix and administrative culture must nurture the power process if democracy is not to commit suicide.

We will make good the relevence of these critical statements with reference to the incontrovertible facts of this case. However, we do not delve into the minutiae of evidence or span the entire factual range, that being otlose. A catalogue of circumstances, fair to both sides, will tell its own moral tale and so we set it out.

The last date for completing the electoral roll was April 17, 1974. The rival candidates (the appellant and the 1st respondent) belonged to opposing political parties but the appellant's party was in power. Both the candidates had semi-V.I.P. status in their respective parties. One member more in the Legislative Council would, pro tanto, strengthen the Ministry. This political backdrop belights some of the things which occurred on the dates proximate to the completion of the electoral roll. The administrative locomotion and the human motivation behind what the trial judge had described as 'manouvres' is simple to understand, although, as will be shown below, we do not agree wholly with all the deductions of the High Court. A particular party is in office. The strength of its members in both Houses is therefore of political significance, especially if fluid politics turns out to be the field of all possibilities.

Karnataka has a bicameral legislature and it is reasonable to suppose that the political government has an understandable concern in the election of a member of the Legislative Council, who will be of their party. Bidar District in Karnataka has a local authorities constituency seat, to be elected by the members of the local bodies there. It follows that the potential electors who are likely to favour their candidate must be brought on the rolls to ensure his victory. Inevitably there was therefore keen interest in incorporating in the electoral roll the members of the Taluk Development Board, Bidar (for short, the Bidar Board). The election to the Bidar Board had taken place years ago, 11 of them having been elected way back in 1968 and 8 later. The election of the 11 members had been duly notified in 1968 but the Board itself stood suspended, an Administrator having been appointed to run its affairs. 8 members who had been later elected to the Board landed up in the High Court on account of writ petitions filed by their rivals. Stay had been granted by the High Court and this led to an absence of 2/3 of the total members being able to function, statutorily necessitating the appointment of an Administrator. Long later the High Court disposed of the writ petitions whereby 3 returns were set aside and 5 upheld. The arithmetical upshot of these happenings was that there were 16 members duly elected to the Bidar Board, and the High Court having disposed of the writ petitions in June 1972, the local body could have been liberated from the bureaucratic management of an Administrator and allowed to function through elected representatives. All that was needed to vivify this body of local self-government was a notification under the Mysore Village

Panchayats Act X of 1959, terminating the Administrator's term, and perhaps another extending the terms of some members.

Elections to local bodies and vesting of powers in units of self-government are part of the Directive Principles of State Policy (Article 40 of the Constitution) and, in a sense, a homage to the Father of the Nation, standing as he did for participative democracy though de-centralisation of power. Unfortunately, after holding elections to the Bidar Board and making people believe that they have elected their administrative representatives at the lowest levels, the State Government did not bring to life the local board even long after the High Court had disposed of the challenges to the elections in June 1972. A Government, under our Constitution, must scrupulously and engretically implement the principles fundamental to the governance of the country as mandated by Art. 37 and, if even after holding elections Development Boards are allowed to remain moribund for failure to notify the curtailment of the Administrator's term, this neglect almost amounts to dereliction of the constitutional duty. We are unhappy to make this observation but power to the people, which is the soul of a republic, stands subverted if decentralisation and devolution desiderated in Article 40 of the Constitution is ignored by executive inaction even after holding election to the floor-level administrative bodies. The devolutionary distance to ideological Rajghat from power-jealous State capitals is unwillingly long indeed, especially in view of the familiar spectacle of long years of failure to hold elections to lacal bodies, supersession aplenty of local self-government units, and gross inaction even in issuing simple notifications without which elected bodies remain still-born. "We, the people" is not constitutional *mantra* but are the power-holders of India from the panchayat upward.

Back to the main trend of the argument. It became now compulsive for the party-in-power to de-notify the Administrator and revive the elected body if they wanted the members of the Bidar Board to vote perhaps in favour of their candidate. The 11 members elected long back in 1968 could not vote on account of the expiry of the 4 Year term unless, in view of Section 108 of Act 10 of 1959, the government issued another notification extending the term of office of those members. So the elective interest of the candidate of the party-in-power could be promoted only if three or four quick administrative steps were taken. Firstly, there was to be a notification ending the Administrator's term over the Bidar Board. Secondly, there was to be a notification extending the term of the 11 members elected in 1968. Thirdly, there was to be a notification of the election of the 5 members whose return had been upheld in the High Court in June 1972. Fourthly, the electoral roll had to be amended by inclusion of these 16 names. If these steps were duly taken, 16 additional members would become electors and the party-in-power (if these electors belonged to that party or were under its influence) could probably expect their votes. The poll results show that the contest was keen and these 16 votes would have been of great moment. In this high-risk predicament, long bureaucratic indolence in issuing notifications and political indifference to the functioning of local bodies produced a situation where the electoral roll did not contain the names of the 16 members of the Bidar Board.

Only a few days prior to April 17, 1974 the D-day the affected candidate, *i.e.*, the appellant, moved the government for initiation of the steps mentioned above, but nothing happened. On April 16, the day before the crucial date for closing the electoral roll, *i.e.*, the last date for making nominations, the appellant moved the Minister concerned who was in Bidar to get the necessary administrative steps taken quickly. He also moved the returning officer, RW 2. We find the Minister making an endorsement on the petition. We notice the returning officer seeking telegraphic instructions from government. We see government sending an Under Secretary, PW 3, by air from Bangalore to Hyderabad and onward by car to Bidar with some orders. This PW 3 probably apprised the returning officer RW 2 about orders having been passed paying the way for inclusion of the 16 names in the electoral roll. PW 3 the Under Secretary, for reasons not known, makes a bee-line the same evening to Gulbarga where he meets the Minister. The returning officer does not have with him any gazette notifications, as we see that under section 2(20) of Act X of 1959, a notification must possess the inalienable attribute of publication in the official gazette. Admittedly, the returning officer did not come by any of the necessary notifications before the evening of the 17th. Admittedly, he did not have any gazette notifications before April 25th. Under section 27 of the Representation of the People Act, 1950, the electoral registration officer who, in this case, is also the returning officer, had to have before him gazette notifications which clearly he did not have till the 25th, *i.e.*, 8 days after the relevant date. *Nevertheless he, obligingly enough, included the 16 names which was in breach of the legal provisions.*

Frenzied official movements on and after April 16 are visible in this case. The scenario excites suspicion. The candidate meets the Minister of his party on the 16th. The returning officer takes the unusual step of sending a telegram for instructions from government for inclusion of names in the electoral roll. The Secretariat despatches an Under Secretary to reach Bidar by air dash and long car driver. A meeting between the Under Secretary and the electoral registration officer follows and then the Under Secretary winds up the day by meeting the Minister, presumably to report things done, and the registration officer supplements the electoral roll by including 16 more names, without getting the gazette notification. We have no doubt, as we will presently explain, that this inclusion is invalid, but what we are presently concerned with is the protracted inaction for years of the State government in issuing simple notifications to resuscitate the Bidar Board and the sudden celerity by which a quick chase and spurt of action resulting in a Minister's endorsement, the registration officer's telegram, Secretariat hyper busyness, the unusal step of an Under Secretary himself journeying with government orders to be deliverer to the registration officer, the electoral registration officer hastening to amend the electoral roll slurring over the legal requirement of a gazette notification and making it appear that everything was done on the 17th before mid-might, and a few other circumstances, make up a complex of dubious doings designed to help a certain candidate belonging to the party-in-power.

The officers had no personal interest as such and, in fairness, we must state the High Court has exonerated them of any oblique conduct to further their own interests. We wish to state clearly that having taken a close look at the developments we are not inclined to implicate any of the officers—and there are quire a few involved-with *malafide* conduct or collusion with the returned candidate. Legal peccadilloes are not fraud or collusion without more. However, the performance of the political government and the pressurization implicit in the hectic activities we have adverted to, read in the light of the likely political gains accruing to the party-in-power, generate apprehensions in our minds about the peril to the electoral process if political bosses in office rubberise the public services to carry out behests which are contrary to the law but non-compliance with which might be visited with crypto-punitive consequences. We would have taken a harsher view against the public servants had we something more than what may even be a rather strong suspicion of obliging diviance. Sometimes they are transfixed between Scylla and Charybdis. Even strong suspicion is no substitute for proof. It has often been said that suspicion is the *Upas tree* under whose shade reason fails and justice dies. There is a core of truth in this caveat.

Shri Bhat, counsel for the 1st respondent, argued his case strenuously but could not make out that vital nexus between the candidate who stood to gain and the officers whose action he impugned. Moreover, the movements of the Minister at about that time raises doubts and the huge expenditure involved in rushing an Under Secretary from Bangalore by air and road to Bidar were a drain on the public exchequer which could have been avoided if action had been taken in time by a few postal communications. But the trial judge erred in substituting suspicion for certitude and drawing untenable inferences where paucity of evidence snapped the nexus needed for collusion. A court must, as usual, ask for proof beyond reasonable doubt from the party setting up corrupt practice even when there is a veneer of power politics stooping to conquer and officers thereby becoming vulnerable to 'higher' displeasure.

The faith of the people in the good faith of government is basic to a republic. The administrative syndrome that harms the citizens' hopes in the State often manifests itself in callously slow action or gravely suspicious instant action and the features of this case demonstrate both. Admittedly, the Bidar Board elections were substantially over in 1968 and were more or less complete in 1972 and yet the necessary notifications in the gazette, which are the statutory pre-condition for the local body to be legally viable, were, for years, not published and, when the critical hours for the electoral list to be finalised fell at 3 p.m. on April 17, 1974, the government and its officers went through exciting exercises unmindful of legal prescriptions and managed the illegitimate inclusion of 16 names in the electoral roll. We hope that the civil services in charge of electoral processes which are of grave concern for the survival of our democracy will remember that their masters in statutory matters are the law and law alone, not political superiors if they direct deviance from the dictates of the law. It is never to be forgotten that our country is committed to the rule of law and therefore functionaries working under statutes, even though they be government servants, must be defiantly dedicated to the law and the Constitution and, subject to them, to policies, projects and directions of the political government.

" Be you ever so high, the law is above you "—this applies to our Constitutional order.

Shri Bhat, counsel for the 1st respondent ultimately argued these aspects of the case. But, when we were more than half-way through, it became clear that the material link to make out invalidation of the election on occount of 'corrupt practice' under section 123(7) of the 1951 Act was missing because it had not been made out in the evidence that there was collusion between the 2nd respondent and the appellant. At that stage, taking a realistic stance, counsel acceeded to our view that while there was sufficient room for the 1st respondent to be disturbed about the electoral verdict on the score of the inclusion of 16 names there was not any telling material, other than speculation or week suggestion, that there was corrupt participation on the part of the officers. If this position were right—and we hold it is—what remains to be done is to ascertain the legal effect of the inclusion in the electoral roll of the new names after the expiry of the appointed hour and date.

According to the calendar for the poll contemplated in section 30 of the 1951 Act the last date for making the nominations was appointed as April 17, 1974. Section 33(1) of the 1951 Act requires that each candidate shall deliver to the Returning officer a nomination paper as set out in the section: "between 11 o'clock in the forenoon and 3 o'clock in the afternoon". The appellant and the 1st respondent did file their nominations in conformity with sections 30 and 33 of the 1951. Act but the electoral registration officer (2nd respondent in the appeal), included the names of 16 persons representing the Bidar Board. After 3 p.m. of April 17, 1974. There is a dispute between the parties as to whether such inclusion was directed on the 17th (after 3 p.m. or on the 18th, the former being the case of the appellant as well as the 2nd respondent, the latter being the case of the 1st respondent and upheld by the High Court. The Court held that, in law, any inclusion of additional names in the electoral roll of a constituency after 3 p.m., on the last date for making nomination fixed under section 30(a) of the 1951 Act was illegal. Consequently, it arrived at the follow-up decision that the 16 votes which had been cast by those objectionably added, had to be ignored. On a further study of the evidence, the court concluded that these 16 votes had been cast in favour of the elected candidate and should therefore be deducted from his total tally. The appellant, who had secured 64 votes as against responrent No. 1's 54 had only a lead of 10 votes. He slumped below the 1st respondent when 16 votes were deducted from his total. The necessary result, in the view of the High Court, was that not only had the appellant's election to be set aside but the 1st respondent deserved to be declared duly elected. This was done.

An appreciation of the evidence bearing on the question as to whether the 2nd respondent i.e., the Registration officer had acted under the appellant's oblique influence in including the additional names after the last date for such inclusion has led us to overturn the affirmative answer from the learned trial judge. The holding that a "corrupt practice", within the embit of section 123, had been committed by the appellant who was therefore disqualified under section 8A led to two consequences. The appellent, who had won the election at the polls, lost the election in the court and worse still, suffered a six-year disqualification. The doubly aggrieved appellant has challenged the adverse verdict and the wounded 2nd respondent (electoral registration officer) has separately appeared to wipe out the damaging effect of the obliging inclusion of names of electors after the time set by the law was over. We have already set aside the finding under section 123(7) of the 1951 Act, of corrupt practice and with it falls the disqualification.

The short point, whose impact may be lethal to the result of the election, is as to whether section 23 of the 1950 Act should be read down in conformity with sections 30 and 33 of the 1951 Act. The proposition, which has appealed to the High Court, has the approval of the ruling in *Baidyanath* (I). The Court, there, observed :—

> "In our opinion, cl. 23(a) takes away the power of the electoral registration officer or the chief electoral officer to correct the entries in the electoral rolls or to include new names in the electoral rolls of a constituency after the last date before the completion of the election—
>
> It interdicts the concerned officers from interfering with the electoral rolls under the prescribed circumstances. It puts a stop to the power conferred on them. Therefore it is not a question of irregular exercise of power but a lack of power. (page 842)
>
> We have earlier come to the conclusion that the electoral registration officer had no power to include new names in the electoral roll on April 27, 1968. Therefore votes of the electors whose names were included in the roll on that date must be held to be void votes". (p. 843)

(i) (1970) 1 SCR 893;

There is a blanket ban in section 23(3) on any amendment, transposition or deletion of any entry or, the issuance of any direction for the inclusion of a name in the electoral roll of a constituency "*after the last date for making nominations for an election in that constituency....*" This prohibition is based on public policy and serves a public purpose as we will presently bring out. Any violation of such a mandatory provision conceived to prompt scrambles to thrust into the rolls, after the appointed time fancied voters by anxious candidates or parties spells invalidity and we have, therefore, no doubt that if in flagrant violation of section 23(3), names have been included in the electoral roll, the bonus of such illegitimate votes shall not accrue, since the vice of voidance must attach to such names. Such void votes cannot help a candidate win the contest.

Why do we say that there is an underlying public policy and a paramount public purpose served by section 23(3) ? In our electoral scheme as unfolded in the 1951 Act, every elector ordinarily can be a candidate. Therefore, his name must be included in the list on or before the date fixed for nomination. Otherwise he loses his valuable right to run for the elective office. It is thus vital that the electoral registration officer should bring in the names of all the electors into the electoral roll before the date and hour fixed for presenting the nomination paper. There is another equally valid reason for stressing the inclusion of the names of all electors before the hour for delivering to the returning officer the nomination paper. Section 33(4) of the 1951 Act reads:

> " (4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls.

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In the light of this provision the returning officer, on receipt of the nomination paper, satisfies himself that the candidate's name and electoral roll number are correctly entered. Necessarily, this is possible only if the electoral roll contains the names of all the electors. Likewise, Section 33(5), which deals with a candidate who is an elector from a different constituency, requires of the candidate the production of a certified copy of the relevant entry showing his name in such a roll. The inference is inevitable that there must be a completed electoral roll when the time for filing the nomination paper expires. The argument is therefore incontrovertible that the final electoral roll must be with the returning officer when the last minute for delivering the nomination paper ticks off. Subsequent additions to the electoral register will inject confusion and uncertainty about the constituents or electors, introduce a disability for such subsequently included electors to be candidates for the election and run counter to the basic idea running through the scheme of the Act that in the preponderant pattern of elections, *viz.*, for the legislative assemblies and parliament, the electors shall have the concomitant right of being candidates. The cumulative effect of these various strands of reasoning and the rigour of the language of section 23(3) of the 1950 Act leaves no doubt in our minds that inclusion of the names in the electoral roll of a constituency *after* the last date for making nominations for an election in bonus of such illegitimate votes shall not accrue, since the vice of voidance must attach to such names. Such void votes cannot help a candidate win the contest.

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> "The object of the aforesaid provision is to see that to the extent possible, all persons qualified to be registered as voters in any particular constituency should be duly registered and to remove from the rolls all those who are not qualified to be registered. Sub-Section (3) of Section 23 is not an important exception to the rules noted earlier. It gives a mandate to the electoral registration officer not to amend, transpose, or delete any entry in the electoral roll of a constituency after the last date for making nominations for election in that constituency and before the completion of that election. If there was no such provision, there would have been room for considerable manipulations, particularly when there are only limited number of electors in a constituency. But for that provision, it would have been possible for the concerned authorities to so manipulate the electoral rolls as to advance the prospects of a particular candidate."

A more tricky issue now arises. Assuming April 17, 1974 to be the last date for filling nominations (and it is so in this case), can the electoral roll be amended on that date to include additional names, but *after the hour set for presenting the nomination paper ?*

Section 33(1) specifies inflexibly that the nomination paper shall be presented "between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon" That means that the duration of the day for representation of nomination papers terminates at 3 o'clock tn the afternoon. If an elector is to be able to file his nomination paper his name must be on the electoral roll at 3 p.m., on the last day for filing nomination. So the temporal *terminus ad quem* is also the day for finalisation of the electoral register and by the same token, that day *terminates at* just that hour when the returning officer shuts the door. The day is truncated to terminate with the time when reception of nominations is closed.

Section 23 of the 1950 Act does state that the inclusion of the names in the electoral roll can be carried out till the last *date* for making nominations for an election in the concerned constituency. What, then, is the last date ? When does the last date cease to be ? If the purpose of the provision were to illumine its sense, if the literality of the text is to be invigorated by a sense of rationality, if conscionable commonsense were an attribute of statutory construction, there can hardly be any doubt that the expression "last date for making nominations" must mean the last hour of the last date during which presentation of nomination papers is permitted under Section 33 of the 1951 Act. In short, Section 23(3) of the 1950 Act and Section 33(1), (4) and (5) of the 1951 Act interact, fertilise and operate as a duplex of clauses. So viewed, the inclusion of the names in the electoral roll after 3 p.m., on April 17, 1974, is illegitimate and illegal.

At this stage, it may be appropriate to make reference to *Ramji Prasad Singh*(2) to which one of us was a party. Indeed, attention of counsel was invited to this decision by the Court. That case turned on the inclusion of 40 voters in contravention of Section 23(3) of the 1950 Act. By incorporating in the electoral roll new names *after* the last date for filing nomination, this Court held that such inclusion of new names would be clearly in breach of the mandate contained in Section 23(3) of the 1950 Act and therefore, beyond the jurisdiction of the electoral registration officer. This view is precisely what we have taken in the present case.

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(2) (1977) I SCR 741.

In that case this Court on fact, took the view that the communication from the Chief Executive Officer of the local authority to substitute certain new names in the electoral roll could not have been acted upon before April 6, 1972, the last date of nomination being April 5, 1972. This is clear from the following observation in the judgment:

> " In fact the latter was ' diarised ' by Shri Bose's office on the 6th ... The fact of the matter seems to be that the notifications of the 4th April came too late for being acted upon before the deadline, which was the 5th. The red tape moved slowly, the due date expired and then every one awoke to the necessity of curing the infirmity by hurrying with the implementation of the notifications. But it was too late and the law had already put in seal on the electoral roll as it existed on the 5th April. If could not be touched thereafter, until the completion of the election ".

This Court, in that case, observed that it was " impossible " to accept the half-hearted claim of Shri Bose that he passed orders for inclusion of the new names on the 5th itself '. This Court was not called upon to go into the question as to what would be the legal position if the electoral rolls were actually amended at 11-30 p.m. on 5th April after the last hour for the nomination, *viz.*, 3 p.m. on that day. This finer facet which falls for consideration in the present appeal *viz.*, whether the " last day " contemplated in Section 23(3) of the 1950 Act ends at 3 p.m. on that day for the purpose, or continues until mid-night did not actually arise for judicial investigation in *Ramji Prasad's Case*(2).

The upshot of the above interpretation is that the 16 names which have been brought into the electoral register subsequent to 3 p.m. of April 17, 1974 must be excluded from the reckoning to determine the returned candidate.

The learned Judge has declared the 2nd respondent duly elected on the strength, mainly, of inference drawn from the oral evidence of the rival candidates. The ballots are alive and available and speak best. Why, then, hazard a verdict on the flimsy foundation of oral evidence rendered by interested parties ? The vanquished candidate's *ipse dixits* or the victor's vague expectations of voters' loyalty-the grounds relied on-are shifting sands to build a firm finding upon, knowing how notorious is the cuts are of double-crossing and defection in electoral politics and how undepandable the testimonial lips of partisans can be unless authenticated by surer corroboration. Chancy credulity must be tempered by critical appraisal, especially whom the return by the electoral process is to be over-turned by unsafe forensic guesses. And where the ground for recount has been fairly laid by testimony, and the ballot papers, which bear clinching proof on their bosoms are at hand, they are the best evidence to be looked into. No party can run away from their indelible truth and we wonder why the learned judge avoided the obvious and resorted to the risky. May be, he thought reopening and recount of ballots may undo the secrecy of the poll. *We are sure that the correct course in the circumstances of this case is to send for and scrutinize the* 16 *ballots for the limited purpose of discovering for whom, how many of the invalid sixteen have been cast. Secrecy of ballot shall be maintained when scrutiny is conducted and only that part which reveals the vote (not the persons who voted) shall be open for inspection.*

What, then, is the result of the reasonings which have prevailed with us ? It is simply this, *viz.*, that the 16 votes of the members of the Bidar Taluk Development Board should be excluded and consequential tilting of the result re-discovered. We are, therefore, constrained to direct the High Court to send for the ballot papers and pick out the 16 ballots relating to the Bidar Board members, examine them without exposing the identity of the persons who have voted and to whom they have voted and record a re-tally excluding these 16 tainted votes from the respective candidates. If the resultant balance sheet shows that the appellant has polled less valid votes than the 1st respondent, his election will be set aside and the 1st respondent declared duly elected. If, on the other hand, despite these deletions the appellant scores over the

1st respondent, his return will be maintained. Any way, counsel on both sides agree that the best course will be to call for a report from the High Court in the light of the operations above indicated. The Learned single Judge who heard the case will examine the 16 ballots as directed above consistently with natural justice, record the number of votes out of the 16 each has got and forward to this Court a comprehensive and correct statement with the necessary particulars. This report shall be made within 3 weeks from the receipt of the records from this Court and the appeal shall be posted for disposal immediately the report reaches. With these directions we dispose of the appeal *pro tempore*.

By way of post-script, we may state that counsel for the 1st respondent submitted, after we crystallized the directions indicated above, that he was not too sure whether the 16 ballot papers could be identified. The appellant's counsel, however, asserted that there were numbers indelibly imprinted on the reverse of the ballot papers and, as such the identification of 16 impugned votes may not present a problem. In the event of impossibility of fixing identity, a report to that effect will be forthcoming from the High Court and we may, notwithstanding the observations about the oral evidence made above, re-hear the case with a view to record our finding as to which way the voting went, out of the offending 16, so that we may determine whether the result of the election has been materially effected. If it is not possible, further suitable directions will be considered.

We may also mention that at one stage of the arguments Shri L. N. Sinha drew our attention to a designedly wide amendment to the Act of 1951 made in the wake of the election case of Smt. Indira Gandhi. Its validity, for our provisions, has been upheld by this Court in Smt. Indira Gandhi Nehru *vs.* Raj Narain (3). It was pressed before us that with the re-definition of "candidate" in section 79(b) and the addition of a proviso to section 127 (7), by Act XL of 1975, the present election petition had met with its statutory waterloo. But Shri Bhat urged that his averments of officials' abetment of promotion of the appellant's candidacy related also to a point of time *after* the nomination paper was filed. He also submitted that the imputations against the electoral registration officer were so far beyond his duties that the blanket proviso could not protect the acts. Since we have taken the view that corrupt practice, even under the amended section 127(7), has not been established, the pronouncement on the exonerative efficacy of the amended Act does not arise. But officials must realise—and so too the highest in Administration that the proviso to section 123(7) does not authorise out-of-the-way doing which are irregular. (3) (1976) 25 CR 347. A wrong does not become rights if the law slurs over it.

We part with this case with an uneasy mind. There is a finding by the High Court that an influential candidate had interfered with officials to adulterate an electoral roll. We have vacated the finding but must warn that the civil services have a high commitment to the rule of law, regardless of covert commands and indirect importunities of bosses inside and outside government. Lord Chesham said in the House of Lords in 1958. " He is answerable to law alone and not to any public authority ". A suppliant, obsequious, satellite public service—or one that responds to allurements, promotional or pecuniary — is a danger to a democratic polity and to the supremacy of the rule of law. The courage and probity of the hierarchical election machinery and its engineers, even when handsome temptation entices or huffy higher power browbeats, is the guarantee of electoral purity. To conclude, we are unhappy that such aspersions against public servants affect the integrity and morale of the services but where the easy virtue of an election official or political power-wielder has distorted the assembly-line operations, he will suffer one day. Be that as it may, we express no final opinion beyond what has already been said.

Sd/– .... J.
(V. R. Krishna Iyer)

Sd/– .... J.
(P. K. Goswami)

July 28, 1977.

IN THE SUPREME COURT OF INDIA

Civil Appellate Jurisdiction

Civil Appeal No. 1114 (*NCE*) 1976

(Appeal under section 116A of the Representation of People Act, 1951 from the Judgment and Order dated the 22nd September, 1976 of the High Court of Karnataka at Bangalore in Election Petition No. 1 of 1974).

Narendra Madivalappa Kheni, son of Shri Madivalappa Kheni, aged about 38 years, residing at Post Ranjol, Taluk Bidar, District Bidar .. APPELLANT.

vs.

1. Manikrao Patil, son of Shamrao Patil, aged about 39 years, residing at Thana Kushnoor, Taluk Aurad, District Bidar.

2. Returning Officer for the Bidar Local Authority Constituency, Karnataka Legislative Council, and Deputy Commissoiner, Bidar, District Bidar.
3. Chandrakanth Gurupadappa, son of Gurupadappa, aged about 38 years, residing at Bidar.
4. Dayanand and Jayanand Rao Laloji, son of Laloji, aged about 35 years residing at Shangunj, Harijanawadh, Bidar

RESPONDENTS

Coram : *6th December*, 1977

Hon'ble Mr. Justice V. R. Krishna Iyer
Hon'ble Mr. Justice P. K. Goswamy

For the Appellent: M/s S. S. Javali and B. P. Singh, Advocates.
For Respondent No. 1 : Mr. K. N. Bhatt, Advocate.
For Respondent No. 2 : Mr. Narayan Mettar, Advocate.

The Appeal above-mentioned being called on for hearing before this Court on the 6th day of December, 1977 *upon* hearing counsel for the appellant and respondents Nos. 1 and 2 and *upon* perusing the report dated the 19th October 1977 received from the High Court of Karnataka at Bangalore in pursuance of this Court's Order dated the 28th July, 1977 *This Court* in allowing the appeal above-mentioned *Doth Order* (1) That the Judgment and Order dated 22nd September, 1976 of the High Court of Karnataka at Bangalore in Election Petition No. 1 of 1974 be and are hereby set aside and the Order dated 12th May, 1974 of the Returning Officer for the Bidar Local Authority Constituency, Karnataka Legislative Council, (Deputy Commissioner, Bidar, District, Bidar) respondent No. 2 herein, declaring the appellant herein as the returned candidate to fill the seat in the Legislative Council of Karnataka from the Bidar Local authorities constituency shall stand (2) That the parties herein shall bear and pay their own costs throughout :

And this court doth further order that this *order* be punctually observed and carried into execution by all concerned ;

Witness the Hon'ble Mr. Mirza Hameedullah Beg, Chief Justice of India at the Supreme Court, New Delhi, dated this the 6th day of December, 1977.

Sd/-
Deputy Registrar.

By order.
(T. NAGARATHNAM)
Secretary.

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

PERSONNEL AND ADMINISTRATIVE REFORMS SECRETARIAT

Notification No. DPAR 41 COI 78

Bangalore, dated 12th October 1978.

Ordered that the Notification S. O. 378 (E) dated 8th June 1978 published in Part II Section 3 sub-section (ii) of the Gazette of India Extra-ordinary dated 8th June 1978 be published in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

V. S. NAIK,

Under Secretary to Government,
Department of Personnel & Administrative
29 *Reforms (Commission of Inquiry).*

MINISTRY OF HOME AFFAIRS

(Department of Personnel and A. R.)

New Delhi, the 8th June 1978.

NOTIFICATION

S. O. 378 (E).—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) No. S. O. 365 (E) dated 23rd May, 1977 (relating to Commission of Inquiry consisting of Shri A. N. Grover) as subsequently amended, namely :—

> "In paragraph 4 of the said notification for the words, figures and letters "on or before the 30th day of June 1978" the words, figures and letters "on or before the 31st day of December, 1978" shall be substituted."

[No. 375/16/77-AVD. III]

R. C. MISRA, *Additional Secy.*

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 10 LCR 78

Bangalore, dated the 15th September 1978.

Ordered that the following Notification No. F. 26 (6)/IT/TM/78, dated 18th August, 1978 of the Government of India (Ministry of Commerce, Civil Supplies and Co-operation) be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTAIYA,
Under Secretary to Government,
Department of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA/BHARAT SARKAR

Ministery of Commerce, Civil Supplies and Co-operation

(Department of Civil Supplies and Co-operation).

New Delhi, the 18th August, 1978.

NOTIFICATION

S. O. .—In exercise of the powers conferred by section 8 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950) the Central Government hereby directs that in the Schedule to the said Act, after item 20, the following item shall be added, namely :—

" 21. The name and emblem of the International Olympic Committee consisting of five inter-laced rings ".

Sd/-

V. Srinivasan,
Deputy Secretary to the Government of India.

F. No. 26 (6)/IT/TM/78

'Copies'

C. V. RAJANNA,
Section Officer,
Department of Law and Parly. Affairs,
Karnataka Govt. Secretariat.

GOVERNMENT OF KARNATAKA

Notification No. LAW 11 LCR 78

Bangalore, dated the 3rd October 1978.

Ordered that the Notification No F. 25 (1)/76-Leg. II, dated 20th September 1978 of the Government of India, Ministry of Law, Justice and Company Affairs (Legislative Department) be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Dept. of Law and Parly. Affairs.

GOVERNMENT OF INDIA/BHARAT SARKAR

Ministry of Law, Justice and Company Affairs

(Legislative Department)

New Delhi, *the September 20, 1978.*
Bhadra 29, 1900 (Saka)

NOTIFICATION

S. O. .—In exercise of the powers conferred by sub-section (2) of section 1 of the Child Marriage Restraint (Amendment) Act, 1978 (2 of 1978), the Central Government hereby appoints the 1st day of October, 1978 as the date on which the said Act shall come into force.

No. F. 25 (1)/76-Leg. II.

Sd/-
V. S. Rama Devi

'Copy'

C. V. RAJANNA,
Section Officer,
Dept. of Law and Parly. Affairs,
Karnataka Govt. Secretariat.

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 12 LCR 78.

Bangalore, dated the 28th October 1978.

Ordered that the Notification No. G.S.R. 997, dated 7th August, 1978, under the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956 published in Part II, Section 3 (i) of the *Gazette of India,* dated 12th August, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,

Under Secretary to Government,
Dept. of Law and Parly. Affairs.

GOVERNMENT OF INDIA

(Department of Revenue)

New Delhi, the 7th August, 1978.

MEDICINAL AND TOILET PREPARATIONS

G.S.R. 997.—In pursuance of sub-rule (3) of rule 60 of the Medicinal and Toilet Preparations (Excise Duties). Rules, 1956 and on the advice of the Standing Committee, the Central Government hereby declares that the new medicinal preparations specified in column (2) of the Table prepared by the manufacturers specified in the corresponding entry in column (3) thereof shall be included in the category of preparations specified in the corresponding entry in column (4) of the said Table :—

TABLE

S. No.	Medicinal Preparation	Name of the manufacturer	Category
1	2	3	4
1	Metavigor	Messrs. the Bombay Drug House Private Ltd., Bombay.	'Restricted' falling under item 1 (ii) (b) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
2	Metavigor Fortified with Vitamins.	do	do
3	Glyphomin	Messrs. Sarabhai Chemicals Ltd., Baroda.	do
4	Sangvin	Messrs. Tamil Nadu Dadha Pharmaceuticals Limited, Madras.	do
5	Rapsovin	Messrs. Raptakos, Brett & Co. Ltd., Worli, Bombay.	do
6	Pesulin-O	Messrs. Cadila Laboratories, Ahmedabad.	'Unrestricted' falling under item 1 (i) (a) of the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).
7	Dafeuttihal 'C'	Messrs. Ebrahim Hasanali, M. G. Road, Baroda.	do
8	Cofura Expectorant	Messrs. Baropharn Chemical Ltd , Baroda.	do
9	Sinora Liquid	Messrs. Wykem Laboratories, Nand Deep Industrial Estate Andheri Kurla Road, Bombay.	do

1	2	3	4
10	Largactil Paediatric Syrup	Messrs. May & Baker Ltd., Dhandeep, Bombay-78.	do
11	Paracetamol Elixir	Messrs. Cadila Laboratories, Ahmedabad.	do
12	Tonabolin	Messrs. Universal Pharmacy Shantinagar, Nagpur.	do
13	Drakshasav Forte	Messrs. Aphali Pharmaceuticals Ltd , Station Road, Ahmednagar.	Ayurvedic preparation falling under item 2 (ii) of the Schedule to the Medicinal and Toilet Preparation (Excise Duties) Act, 1955 (16 of 1955).

[No. 6 F.No. 656/2/76-OPIUM]

A K. SARKAR, Under Secy.

Printed by the Director of Printing Sty. & Publns. at the Govt. Press B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY STATE GOVERNMENT.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 9 LCR 78

Bangalore, dated the 29th September 1978

Ordered that the Transport of Animals Rules, 1978 published in Part I Section 1 of the Gazette of India dated 27th May 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs

26

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE AND IRRIGATION
(DEPARTMENT OF AGRICULTURE)

The 2nd March 1978

No. 18-6/70 L.D I.—In exercise of the powers conferred by clause (h) of sub-section (2) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, the same having been previously published as required by the said Section, namely:—

Transport of Animals Rules, 1978

CHAPTER I

1. **Short title.**—These rules may be called the Transport of Animals Rules, 1978.

2. **Definition.**—In these rules unless the context otherwise requires:—

(a) qualified veterinary surgeon means one who holds a diploma or a degree of a recognised veterinary college;

(b) "Schedule" means a schedule appended to these rules.

CHAPTER II

Transport of Dogs and Cats

3. Rules 4 to 14 shall apply to the transport of dogs and cats of all breeds whether by rail, road, inland waterway, sea or air.

4. (a) A valid health certificate by a qualified veterinary surgeon to the effect that the dogs and cats are in a fit condition to travel by rail, road inland waterway sea or air and are not showing any sign of infection or contagious disease including rabies, shall accompany each consignment and the certificate shall be in the form specified in Schedule A.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

5. No dog or cat in an advanced stage of pregnancy shall be transported.

6. (a) Dogs or cats to be transported in the same container shall be of the same species and breed.

(b) Unweaned puppies or kittens shall not be transported with adult dogs or cats other than their dams.

(c) No female dogs or cat in season (oestrus) shall be transported with any male.

7. (a) any dog or cat reported to be vicious or exhibiting a vicious disposition shall be transported individually in a cage, muzzled and labelled to give warning to the handers.

(b) in extreme cases, the dogs or cats shall be administerd with sedative drugs by a qualified veterinary surgeon.

8. (1) When dogs or cats are to be transported for long distance;—

(a) they shall be fed and given water at least two hours prior to their transport and shall not be packed for transport if they are hungry or thirsty;

(b) they should be exercised as late as possible before despatch;

(c) they shall be given adequate water for drinking every four hours in summer or every six hours during winter

(d) they shall be fed once in twelve hours in the case of adult dogs or cats, and they shall be fed once in four hours in the case of puppion and kittens in accordance with the instructions of the consigners if any;

(e) adequate arrangements shall be made for their care and management during the journey.

(2) When the dogs or cats are to be transported by rail involving a journey of more than six hours, an attendant shall accompany the

dogs or cats to supply them with food and water on the way and the attendant shall have access to the dogs or cats for this purpose at all stations and no dog or cat shall be exposed to the direct blast of air during such journey.

9. Where dogs or cats are to be transported for short distance by road in a public vehicle, the following precautions are to be taken namely :—

(a) they shall be put in a cage and the cage containing the dogs or cats shall not be put on the roof of the vehicle but shall be put inside the vehicle preferably near the rear end of the vehicle;

(b) the vehicle transporting the dogs or cats shall as far as effects possible maintain constant speed, avoiding sudden stops and reducing of shocks and jolts to the minimum;

(c) at least one attendant shall be present at all times during transit who shall ensure that proper transit conditions are observed and shall also replenish food and water whenever necessary.

10. Where dogs or cats are to be transported by air

(a) the cages shall be properly cleaned and disinfected before the dog or cats are put in the cages,

(b) sufficient paddy straw or saw dust or paper cuttings shall be provided for cats in the cages as resting material;

(c) for international transport, the dogs or cats shall be kept in a pressurized compartment with regulated temperature.

11. The size and type of crates for transport of dogs and cats shall conform as clearly as may be to the size and type specified in Schedule B and Schedule C respectively.

12. All container of dogs or cats shall be cleary labelled showing the names address and telephone number (if any) of the consigner.

13. The consignee shall be informed about the train or transport arrival or flight number and its time of arrival in advance,

14. Consignment of dogs or cats to be transported by rail or road shall be booked by the next passenger or mail train or bus and should not be detained after accepting the consignment for booking.

CHAPTER III

Transport of Monkeys

15. Rules 16 to 23 shall apply to the transport of all types of monkeys from the trapping area to the nearest rail-head.

16. (a) A valid health certificate by a qualified veterinary surgeon to the effect that the monkeys are in a fit condition to travel from the trapping area to the nearest unit-head and are not showing any sign of infectious or contagious disease shall accompany each consignment,.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in a form specified in Schedule D.

17. (1) Monkeys from one trapping area shall not be allowed to mix with monkeys from any other trapping area for preventing the dangers of cross-infection.

(2) The time in transit from trapping area to the nearest rail-head shall be as short as possible and factors causing stress to monkeys shall be reduced to the minimum.

(3) If the travel time is longer than six hours provision shall be made to feed and to give water to the monkeys on route.

(4) During transit, precautions shall be taken to protect the monkeys from extreme weather conditions and monkeys that die on route shall be removed at the earliest available opportunity.

18 Monkeys that are not completely weaned, that is, under 1.8 Kilogram in weight, shall not be transported except when specifically permitted by the Central Government.

19 (a) Pregnant and nursing monkeys shall not be transported except when specifically permitted by the Central Government.

(b) Pregnant and nursing monkeys as well as monkeys weighing more than 5 Kilograms shall be transported in compartmented cages.

20 All monkeys in the same cage shall be of the same species and of approximately the same weight and size.

21 Monkeys captured within their natural habitat shall be placed in new, sterilized or thoroughly cleaned cages and subsequent transfer, if any, shall also be to new, disinfected or thoroughly cleaned cages.

22 Monkeys shall be transported from trapping area to the nearest rail-head by the fastest means of transport available and the monkeys should not be left unattended at any time during the jouney.

23 (1) (a) Monkeys shall be transported in suitable wooden or bamboo cages; so constructed as not to allow the escape of the monkeys but permit sufficient passage of air ventilation.

(b) No nails, metallic projections or sharp edges shall be exposed on the exterior or in the interior of the cages.

(c) Each cage shall be equipped with appropriate water and feed receptacles which are leak proof and capable of being cleaned and refilled during transit.

(2) The floor of the cages shall be made of bamboo reapers and the space between each reaper shall range between 20 mm and 30 mm

(3) To facilitate carriage of these cages, provision may be made for rope loops at the four top ents.

(4) The weight of any one loaded cage shall not exceed 45 kilograms.

(5) The following two sizes of cages shall be used :

(a) 910×760×510 mm—to contain not more than twelve monkeys, weighing between 1.8 and 3.00 kilograms each or ten monkeys weighing between 3.1 and 5.00 kilograms each.

(b) 710×710×510 mm-to contain not more than ten monkeys weighing between 1.8 and 3.00 kilograms each or eight monkeys weighing between 3.1 and 5.00 kilograms each :

Provided that wooden cages as specified in Schedule E to these rules may also be used for carrying monkeys from the trapping area to the nearest rail-head.

(6) The construction details of two types of cages shall be as given in Schedule B.

24 Rules 25 to 32 shall apply to the transport of monkeys from a rail-head to another rail-head or from a rail-head to the nearest air-port.

25 (a) Loading and unloading shall be carried out quickly and efficiently.

(b) Cages shall be stored in such a manner that ventilation is adequate and the monkeys are not exposed to draught and direct heat or cold.

(c) Monkeys found dead shall be removed as quickly as possible for suitable disposal.

26 The transport cages shall be in accordance with specifications given in rule 28.

27 (1) Due provision shall be made by the sender for a sufficient supply of food and water for the journey.

(2) In case the journey is over six hours an attendant shall accompany the monkeys to supply them food water, and such other things, on route and he shall have access to the monkeys for feeding, giving water and attention at all stations on route.

(3) The food and water containers shall be checked at least every six hours and refilled, if necessary.

(4) Monkeys shall not be disturbed during the night hours.

28 Not more than one cage shall be placed over the other and gunny sacking shall be placed between two cages, when one is placed over the other.

29 Monkeys shall be brought to the airport sufficiently early.

30 Monkeys shall be provided with food and water immediately before loading on the aircraft.

31. (a) The cages shall be clearly labelled showing the name, address and telephone number (if any) of the consigner and the consignee in bold red letters.

(b) The consignee shall be informed about the train in which the consignment of monkeys is being sent and its arrival time in advance.

(c) The consignment of monkeys to be transported shall be booked by the next passenger or mail train and should not be detained after the consignment is accepted for booking.

32. (a) A valid health certificate by a qualified veterinary surgeon to the effect that the monkeys are in a fit condition to travel from the nearest rail-head to another rail-head or from a rail-head to the nearest airport and are not showing any signs of infectious or contagious disease shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in a form specified in Schedule D.

33. Rules 34 to 45 shall apply in relation to the transport of monkeys by air.

34. The time in transit shall be as short as possible and factors causing stress to monkeys shall be reduced to the minimum.

35. Monkeys that are not a completely weaned, that is, under 1.8 kilograms in weight, shall not be transported except when specifically permitted by the Central Government.

36. Pregnant and nursing monkeys, shall not be transported except when specifically permitted by the Central Government. Pregnant and nursing monkeys and monkeys weighing over 5 kilograms shall be transported in specially designed individual cages.

37. All monkeys in the same cage shall be of the same species and of approximately the same weight and size.

38. (1) In view of the dangers of infection, only monkeys of the same species shall transported in the same cabin or compartment of the aircraft.

(2) Apparently sick or disabled monkeys exhibiting external injuries or infested with parasites shall not be transported.

(3) Transport of other species of animals, birds fish food stuffs or poisonous materials, such as pesticides and insecticides, in the same cabin or compartment shall not be permitted.

39. (1) At no time during transit shall the monkeys be left unattended when carried in a freighter aircraft.

(2) At least one attendant shall be present at all times when the aircraft is on the ground.

40. (1) Monkeys shall be transported in suitable wooden cages so constructed as not be allowed the escape of the monkeys and shall allow sufficient passage of air for ventilation; no nails metallic projections or sharp edges shall be exposed in the interior or on the exterior of such cages. Each cage shall be equipped with water and food receptacles which shall be leak-proof and be capable of being cleaned and refilled during transit. A suitable absorbent material such as saw dust shall be kept in the dropping trays.

(2) The weight of any one loaded cage shall not exceed 45 Kilograms in any case.

(3) The following two sizes of cages shall be used :

(a) 460 × 460 × 460 mm —to contain not more than ten monkeys weighing from 1.8 to 3.0 kilograms each or four monkeys weighing from 3.1 to 5.0 kilograms each ; and

(b) 760 × 530 × 460 mm—to contain not more than ten monkeys weighing from 1.8 to 3.0 kilomgrams each or eight monkeys weighing from 3.1 to 5.0 kilograms each.

(4) The construction details of the two types of cages shall be as given in Schedule F.

(5) The construction details of the two types of cages used for the transport of pregnant and nursing monkeys shall be as given in Schedule G.

41. (a) The cages shall be clearly labelled showing the name, address and telephones number (if any) of the consigner and the consignee in bold red letters.

(b) The consignee shall be informed in advance about the flight number of the freighter aircraft in which the consignment of monkeys is being sent and its arrival time.

(c) The consignment of monkeys to be transported shall be booked by the next flight of the freighter aircraft and should not be detained after the consignment is accepted for booking.

42. (1) A valid health certificate by a qualified veterinary surgeon to the effect that the monkeys are fit to travel by air and are not showing any signs of infectious or contagious disease shall accompany each consignment of monkeys.

(2) In the absence of such a certificate, the carrier shall refuse to accept the consignment for shipment.

(3) The form of a certificate under sub-rule (1) be as given in Schedule—D.

43. (1) The air shall be changed not less than twelve times per hour and draughts shall be avoided and there shall be no dead pockets of air.

(2) Except when the monkeys are being fed and given water, they shall travel in semi-darkness to make them quieter and less inclined to fight thus give them better opportunities of resting.

44. The food and water containers shall be checked at every stop and refilled, if necessary, and a sufficient stock of food shall be available on the aircraft and at likely stopping places.

NOTE : About 85 grams of food per monkey is required daily, suitable foods are dry cereal grains or gram. It is recommended that whole gram made into biscuits or wheat meal bread should be fed. A minimum of 140 ml. of water shall be allowed for each monkey per day.

45. An empty cage of the usual dimensions with its sides covered except 50 mm at the top to allow for ventilation shall be provided in the freighter aircraft for housing the monkeys which fall sick or are injured during the journey.

CHAPTER IV

Transport of Cattle

46. Rules 47 to 56 shall apply to the transport by rail or road of cows, bulls, bullocks, buffaloes, yaks and calves, (hereinafter in these rules referred to as 'Cattle').

47. (a) A valid certificate by a qualified veterinary surgeon to the effect that the cattle are in a fit condition to travel by rail or road and are not suffering from any infectious or contagious or parasitic disease and that they have been vaccinated against rinderpest and any other infectious or contagious or parasitic disease or diseases, shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in the form specified in Schedule-E.

48. Veterinary first-aid equipment shall accompany all batches of cattle.

49. (a) Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee, the number and types of cattle being transported and quantity of rations and food provided.

(b) The consignee shall be informed about the train or vehicle in which the consignment of cattle is being sent and its arrival time in advance.

(c) The consignment of cattle shall be booked by the next train or vehicle and shall not be detained after the consignment is accepted for booking.

50. The Average space provided per cattle in Railway wagon or vehicle shall not be less than two square metres.

51. (a) Suitable ramps and platforms should be used for loading or unloading catile from vehicles.

(b) In case of railway wagon the dropped door of the wagon may be used as a ramp when loading or unloading is done to the platform.

52. Cattle shall be loaded after they are properly fed and given water.

53. Cattle in advanced stage of pregnancy shall not be mixed with young cattle in order to avoid stampede during transportation.

54. (1) Watering arrangements en route shall be made and sufficient feed quantities of water shall be carried for emergency.

(2) Sufficient feed and fodder with adequate reserve shall be carried to last during the journey.

(3) Adequate ventilation shall be ensured.

55. When cattle is to be transported by rail;

(a) an ordinary goods wagons shall carry not more than ten adult cattle or fifteen calves on broad gauge, not more than six adult cattle or ten calves on metre gauge, or not more than four adult cattle or six calves on narrow gauge;

(b) every wagon carrying cattle shall have at least one attendant;

(c) cattle shall be loaded parallel to the rails, facing each other;

(d) material for padding, such as straw, shall be placed on the floor to avoid injury if a cattle lies down and this shall not be less than 6 cms thick;

(e) rations for the journey shall be carried in the middle of the wagon;

(f) to provide adequate ventilation, upper door of one side of the wagon shall be kept open properly fixed and the upper door of the wagon shall have wire gauge closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and leading to fire outbreak;

(g) cattle wagons should be attached in the middle of the train;

(h) cooking shall not be allowed in the wagons nor hurricane lamps without chimneys;

(i) two breast bars shall be provided on each side of the wagon, one at a height of 60 to 80 cm and the other at 100 to 110 cm.

(j) Cattle-in-milk shall be milked at least twice a day and the calves shall be given sufficient quantity of milk to drink·

(k) as far as possible, cattle may be moved during the nights only ;

(l) during day time, if possible, they should be unloaded, fed, given water and rested and if in milk, milking shall be carried out.

56. When cattle are to be transported by goods vehicle the following precautions are to be taken namely:—

(a) specially fitted goods vehicles with a special type of tailboard and padding around the sides should be used;

(b) Ordinary goods vehicles shall be provided with anti-slippoint material, such as coir matting or wooden board on the floor and the superstructure, if low, should be raised ;

(c) no goods vehicle shall carry more than six cattle ;

(d) each goods vehicle shall be provided with one attendent ;

(e) while transporting the cattle, the goods vehicle shall not be loaded with any other merchandise ; and

(f) to prevent cattle being frightened or injured; they should preferably face the engine.

CHAPTER V

Transport of Equines

57. Rules 57 to 63 shall apply to the transport by rail, road or sea of horses; mules and donkeys (hereinafter in these rules referred to as 'equines')

58. (a) A valid certificate by a qualified veterinary surgeon to the effect that the equines are in a fit condition to travel by rail, road or sea and are not suffering from any infectious or contagious disease or diseases shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificates shall be in a form specified in Schedule—I.

59. (a) Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee, the number and type of equines being transported and quantity of rations and food provided.

(b) The consignee shall be informed in advance about the train or vehicle or ship in which the consignment of equines is being sent and its arrival time.

(c) The consignment of equines shall be booked by the next train or vehicle or ship and shall not be detained after the consignment is accepted for booking.

60. (a) Pregnant any young equines shall not be mixed with other animals.

(b) Different species of equines shall be kept separately.

(c) Equines shall be loaded after being fed and given water adequately, watering arrengements shall be made en route and sufficient food carried to last during the journey.

(d) Veterinary first-aid equipment shall accompany all batches of equines.

(e) Adequate ventilation shall be ensured.

(f) Suitable ramps and platforms improvised where not available shall be used for loading and unloading equines.

61. For the transport of equines by rail, the following precautions shall be taken :

(a) Equines shall be transportrd by passanger or mixed trains only ;

(b) ordinary goods wagon when used for transportation shall carry not more than eight to ten horses or ten mules or ten donkeys on broad guage and not more than six horses or eight mules or eight donkeys on metre-gauge :

(c) in extreme hot water shall be sprinkled over the wagons containing equinee by the railway authorities to bring down temperature. Ice slabs in specially made containers may be placed inside the wagon if recommended by a qualified veterinary surgeon ;

(d) every wagon shall have two attendants if the equines are more than two in number ;

(e) equines shall be loaded parallel to the rails, facing each other ;

(f) material for padding, such as paddy straw, shall be placed on the floor to avoid injury if an animal lies down and this shall not be less than 6 cm. thick :

(g) to provide adequate ventilation, upper door of one side of the wagon shall be kept upon and properly fixed and the upper door of the wagon shall have wire guage closely welded mesh arrangements to prevent burning cindres from the engines entering the wagon and leading to fire break out ;

(h) two breast bars shall be provided on each side of the wagon, one at a height of 60 to 80 cm and the other at 100 to 110 cm.

62. For the transport of equines by goods-vehicles, the following precautions shall be taken, namely :—

(a) specially fitted vehicles with a special type of tail board and padding around the sides shall be used ;

(b) ordinary goods vehicles shall provided with anti-slipping material on the floor and the super structure, if low, should be raised;

(c) bamboo poles of at least 8 cm. diameter between each animal and two stout batons at the back shall be provided to prevent the animal from falling;

(d) to prevent horses from being frightened or injured their heads should face left away from the passing traffic;

(e) each vehicle shall not carry more than four to six equines;

(f) each vehicle shall be provided with one attendant;

(g) these vehicles shall be driven at a speed not more than 35 kilometers per hour.

63 For the transport of equines by sea the following precautions shall be taken, namely:—

(a) horses may normally be accommodated in single stalls and mules in pens, each pen holding four to five mules;

(b) ample ventilation shall be ensured by keeping portholoes and providing permanent air trunks or electric blowers on all decks and exhaust fans shall be installed to blow out foul air;

(c) all standings shall be athwart the ship with heads facing inwards;

(d) to avoid distrees specially during hot weather the ship may go under way immediately after embarking disembarking shall be done as early as possible after anchoring;

(e) colts and fillies shall be kept on the exposed decks;

(f) a pharmacy and spare stalls for five per cent of equines shall be avilable;

(g) passage between two rows of pens shall not be less than 1.5 metres.

CHAPTER VI

Transport of Sheep and Goats

64. Rules 65 to 75 shall apply to the transport of sheep and goats by rail or road involving journeys of more than six hours.

65 (a) A valid health certificate by a qualified veterinary surgeon to the effect that the sheep and goats are in a fit condition to travel by rail or road and are not suffering from infectious or contagious or parasitic disease shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in a form specified in Schedule—J.

66 (a) Each consignment shall bear a lable showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee, the number and type of sheep or goats being transported and quantity of rations and food provided.

(b) The consignee shall be informed in advance about the train or vehicle in which the consignment of sheep or goats are being sent and its arrival time.

(c) The consignment of sheep or goats shall be booked by the next train or vehicle and shall not be detained after the consignment is accepted for booking.

67. (a) First-aid equipment shall accompany the sheep or goats in transit.

(b) Suitable ramps shall be provided for loading and unloading the sheep or goats.

(c) In the case of a railway wagon, when the loading or unloading is done on the platform the dropped door of the wagon shall be used as a ramp.

68. Sheep and goats shall be transported separately, but if the lots are small special partition shall be provided to separate them.

69. Ramps and male young stock shall not be mixed with female stock in the same compartment.

70. Sufficient feed and fodder shall be carried to last during the journey and watering facility shall be provided at regular intervals.

71. Material for padding, such as straw, shall be placed on the floor to avoid injury if an animal lies down, and this shall be not less than 5 cm. thick.

72 The animal shall not be fettered unless there is a risk of their jumping out and their legs shall not be tied down.

73. The space required for a goat shall be the same as that for a woolled sheep and the approximate space required for a sheep in a goods vehicle or a railway wagon shall be as under :—

Approximate weight of animal in kilogram	Space required (in square meters)	
	Woolled	Shorn
Not more than 20	0.18	0.16
More than 20 but not more than 25	0.20	0.18
More than 25 but not more than 30	0.23	0.22
More than 30	0.23	0.26

74. (a) No railway wagon shall accommodate more than the following number of sheep or goats :—

Broad	Guage	Meter	Guage	Narrow Guage
(1)	(2)	(3)	(4)	(5)
Area of Wagon Less than 21 1 Square Meters	Area of Wagon 21.1 Square Meters and above	Area of Wagon Less than 12.5 Square Meters	Area of Wagon 12 5 Square meters and above	
70	100	50	60	25

(b) Adequate ventilation shall be provided in every wagon. Upper door of one side of wagon shall be kept open and properly fixed and the upper door of the wagon shall have wire guage closely welded mesh arrangements to prevent burning cinders from the engines entering the wagon and loading to fire breakout.

75. (1) Goods vehicles of capacity of 5 or 4½ tons, which are generally used for transporting animals, shall carry not more than forty sheep and or goats.

(2) In the case of large goods vehicles and wagons, partition shall be provided at evey two or three metres across the width to prevent the crowding and trapping of sheep and goats.

(3) In the case of awes, goats or lambs or kids under six weeks of age, separate panels shall be provided.

B. B. KAPUR, Dy. Secy.

1. Schedule—A

(See rule 4)

Proforma for Certificate of Fitness to Travel—Dogs/cats

This certificate should be completed and signed by a qualified Veterinary Surgeon.

Date and time of examination..

Species of dogs/cats..

Number of cages.....................Number of dogs/cats.....................

Sex.....................Age.....................

Breed and identification marks, if any.....................

Transported from.....................To.....................Via.....................

I hereby certify that I have read rules 3 to 14 in Chapter II of the Transport of Animals Rules, 1978.

1 That, at the request of (consigner).....................I have examined the above mentioned dogs/cats in their travelling cages not more than 12 hours before their departure.

2 That each of the dogs/cats appeared to be in good health, free from signs of injury, contagious and infectious disease including rabies and in a fit condition to travel by rail/road/inland waterway/sea/air.

3 That the dogs/cats were adequately fed and watered for the purpose of the jouney.

4 That the dogs/cats have been vaccinated.

(a) Type of vaccine/s

(b) Date of vaccination/s

Signed..............................
Address.........................
....

Date....................

Qualification..........................

2. Schedule—B

(*See rule 11*)

Size and Type of Crate for Transport of Dogs

The design of the cage mentioned in rule 11 in Chapter II of the Transport of Animals Rules 1977 shall be as per the design as printed on page 7 of IS : 4746—1968 published by the Indian Standards Institution.

—All dimensions in centimetres.

	By Rail/Road/Inland waterway/Sea	*By Air*
Length (L)	A × $1\frac{1}{2}$	A+C+10
Width (W)	A	D×2+10
Height (H)	B+15	B+10

Length—Tip of nose to rect of tail (A)

Width—Width across the shoulders (D)

Height—Tip of ears to toe while standing (B)

Elbow size—Toe to tip of elbow (C)

Note :—Gages, cartons or crates used to transport dogs shall be of such material which will not tear or crumble. They shall be well constructed : well ventilated and designed to protect the health of dogs by giving them adequate space and safety. It is essential that wire mesh should be nose and paw proof ; suitable material is that welded wire mesh of not less than 3 mm with a spacing 12 × 12 mm. Expanded metal and wire netting are unsuitable for this purpose. There should be no protruding nails or unprotected edges of wire. Dogs kennels in rail coaches shall be so placed as to give protection to dogs from extremes of temperature and disturbance from birds and by giving them adequate space for health and safety.

3 Schedule—C

(*See rule—11*)

Size and Type of Crate for Transport of Cats

The design of the cage mentioned in rule 11 in Chapter II of Transport of Animals Rules 1978 shall be as per the design as printed on page 8 of IS : 4741—1968 published by the Indian Standards Institution.

All dimensions in centimetres.

	By Rail/Road Inland water way/Sea	*By air*
Length (L)	AX''2	A×2
Width (W)	A	A
Height (H)	B+15	B+10

Length—Tip of nose to root of tail (A)

Width—Width across the shoulders (D)

Height—Tip of ears to toe while standing (B)

Elbow size—Top to tip of elbow (C)

Note :—Cages cartons or crates, used to transport cats, shall be of such material which will not tear or crumble. They shall be well constructed well ventilated and designed to protect the health of the cats by giving them adequate space and safety. It is essential that wire mesh should be nose and paw proof suitable material is welded wire mesh of not less 3 mm, with a spacing 12 × 12 mm. Expanded metal wire netting are unsuitable for this purpose. There should be no protruding nails or unprotected edges of wire. Cats Kennels in rail coaches shall be so placed as to give protection to cats from extremes of temperature and disturbance from birds and by giving them adequate space for health and safety.

Schedule—D

(*See* rule 16 and 32)

Proforma for certificate of fitness to Travel-Monkeys

This certificate should be completed and signed by a qualified veterinary surgeon.

Date and time of examination..................

Species of monkyes..........................

Number of Cages ....

Number of Monkeys.................. ...

Sex.......... ....Age ....

Brand and identification mark if any.....................................

Transported from............ To.......... Via ....

I hereby certify that I have read rules 15 to 45 in Chapter III of the Transport of Animals Rules, 1978.

1 That at the request of (consignor)..................I examined the above mentioned monkeys in their travelling cages not more than 12 hours before their departure.

2 That each monkey appeared to be in a fit condition to travel from the trapping area to the nearest railhead/from the nearest railhead to another rail head from the rail-head to the nearest air port/by air and is not showing any signs of infections or contagious diseases.

3 That no monkeys appeared to be under 6 months of age and that no animal appeared to be pregnant.

4 That the monkeys were adequately fed and watered for the purpose of the journey.

5 That the monkeys have been vaccinated.

(a) Type of vaccine/s

(b) Date of vaccination/s

Signed..............................

Address..............................

Date...........................

Qualifications..............................

Schedule—E

See rule 23 (5) (a) and rule 23 (6)

Size and Type of Crate for transport of Monkeys from Trapping Area to nearest Rail head

The construction details of two types of cages mentioned in rule 22 (5) (a) and (b) in Chapter III of the Transport of Animals Rules, 1978 shall be as per the dimensions and design as printed on page 5 of IS. 3699 (Part-I)—1966 published by Indian Standards Institution.

Schedule—F

[*See* rule 40 (4)]

Size and Type of Crate for Transport of Monkeys by Air

The construction details of the two types of cages mentioned in rule 40 (3) (a) & (b) in Chapter III of Transport of Animals Rules, 1978 shall be as per the dimensions and design as printed on page 6 of IS : 3059—1965 published by Indian Standards Institution.

7 Schedule—G

See rule 40 (5)

Size and Type of Crate for Transport by Air of Pregnant and Nursing Monkeys and Monkeys weighing over 5 kgs.

The construction details of the two types of cages mentioned in rule 40 (5) in Chapter III of Transport of Animals Rules, 1978 shall be as per dimensions and design as printed on page 7 of IS :—3059 - 1965 published by Indian Standards Institution.

8 Schedule--H

(*See* rule 47)

Proforma for Certificate of fitness to travel Cattle

This certificate should be completed and signed by a qualified veterinary surgeon.

Date and time of examination...... ....

Species of Cattle..............................

Number of Trucks/Railway Wagons..............................

Number of Cattle...........—.......

Sex...... ....Age ... .

Breed and indentification marks, if any... ....

Transported from ....To ....Via ....

I hereby certify that I have read rules 46 to 56 in Chapter IV of the Transport of Animals Rules, 1978.

1 That, at the request of (consignor)... ....
I examined the above mentioned Cattle in the goods vehicle railways wagons not more than 12 hours before their departure.

2 That each cattle appeared to be in a fit condition to travel by rail/road and is not showing any signs of infectious or contagious or parasitic disease and that it has been vaccinated against rinderpest and any other infectious or contagious or parasitic disease (s).

3 That the cattle were adequately fed and watered for the purpose of the journey.

4 That the cattle have been vaccinated.

(a) Type of vaccines.

(b) Date of vaccination,

Signed...............................

Address........... ....

Date.............................. ......

Qualifications............... .....

9. Schedule—I

(*See* rule 58)

Proforma for Certificate of fitness to travel-Equines

This certificate should be completed and signed by a qualified veterinary surgeon.

Date and time of examination.........—...................................
Species of Equines.......................... ....
Number of Equines...—.........................
Sex............................ ....Age.......................................
Breed and identification marks, if any..
Transporetd from.............. ....To..............Via...................

I hereby certify that I have read rules 57 to 63 in Chapter V of the Transport of Animals Rules 1978.

1 That, at the request of (consignor)...
I examined the abovementioned equines not more than 12 hours before their departure.

2. That each equines appeared to be in a fit condition to travel by rail/road/ sea and is not showing any signs of any infectious or contagious disease(s) and that it has been vaccinated against any infectious or contagious disease(s).

3. That the equines were adequately fed and watered for the purpose of the journey.

4. That the equines have been vaccinated.

(a) Types of vaccine(s)

(b) Date of vaccination.

Signed.......................
Address......................
Date...........................
....
Qualifications.........................

10 Schedule J

(*See* rule 65)

Proforma for Certificate of fitness to travel—Sheep and Goats

This certificate should be completed and signed by a qualified veterinary surgeon.

Date and time of examination ....—...........
Species of animals.. ...
Number of animals........ —............................ ..
Sex..Age ....
Bread and identification marks, if any .... Transported ....from........................ To. ....Via ....

I hereby certify that I have read rules 64 to 75 in Chapter VI of the Transport of Animals Rules, 1978.

1. That, at the request of (consignor) ....I examined the above mentioned animals not more than 12 hours before their departure.

2. That each animal appeared to be in a fit condition to travel by rail/road and is not showing any signs of any infectious or contagious or parasitic disease(s) and that it has been vaccinated against any infectious or contagious or parasitic disease(s).

3. That the animals were adequately fed and watered for the purpose of the journey.

4. That the animals have been vaccinated

(a) Type of vaccine(s).

(b) Date of vaccination.

Signed........................

Address........................

Date................................ ....

Qualifications........................

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

PART IV

SECTION 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT, AND REPUBLISHED BY THE STATE GOVERNMENT.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 13 LCR 78
Bangalore, dated 10th November 1978.

Ordered that the Notification No G. S. R. 1050 under the Standards of Weights and Measures Act, 1976 published in Part II, Section 3(i) of the Gazette of India dated 26th August 1978 be re published in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,
A. NEELAKANTARYA,
Under Secretary to Government.
31 *Department of Law and Parly. Affairs.*

G. S. R. 1050.—In exercise of the powers conferred by sub-section (7) of section 28 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby delegates, with the consent of the State Government, to the person holding for the time being the Office of the Controller of Legal Metrology in the State of Karnataka all the powers of the Director of Legal Metrology pertaining to the provisions of Chapter IV of Part IV of the said Act, except the powers conferred by section 72 to make a complaint against the manufacturer or packer of any commodity in packaged form, which is sold, distributed or delivered in the course of any inter-State trade and commerce.

[F. No. WM-9(36)/77]
T. BALAKRISHNAN, *Jt. Secretary.*

Printed by the Director of Printing, Sty. & Publns. at the Govt. Press B'lore

PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

HOME SECRETARIAT

Order No. HD 194 CNA 78

Bangalore, dated 23rd November 1978.

The Government of Karnataka hereby order that the accompanying order No. 315/1/78 F (P) dated 27th October 1978 issued by the Government of India, Ministry of Information and Broadcasting, New Delhi and published in the Gazette of India Extraordinary, Part II Section 3 sub-section (ii) shall be republished in the *Karnataka Gazette* Part IV-Section 2 (C) (ii) for general information.

By Order and in the name of the Governor of Karnataka,

SALOME FRANCIS,

Under Secretary to Government,
Home Department.

GOVERNMENT OF INDIA

Ministry of Information and Boardcasting

New Delhi 110001,
the 27th October 1978

Order

S. O. In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the order of the Government of India in the Ministry of Information and Broadcasting No. S. O. 3792 dated the 2nd December 1966, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Schedule annexed hereto in all its their language versions to be of the description specified against it/each in column 6 of the said Schedule.

SCHEDULE

Sl. No.	Title of the Film	Length of the film (in metres)	Name of the applicant	Name of the producer	Brief whether a synopsis scientific film for educational purpose or a film dealing with news current event or documentary films.
1	2	3	4	5	6
1	INR. 1546	198.00	Films Division 24, Peddar Road, Bombay-26.		'News and Current Events'.

2	INR 1546 (Western Edition)	299.00	do	release in Western region, News and Current Events.
3	INR 1547	254.00	do	'News and Current Events'
4	INR 1547 (Northern Edition)	301.00	do	release in Northern region, 'News and current Events.
5	INR 1548.	211.00	do	'News and Current Events.'
6	INR 1548 (Eastern Edition)	298.00	do	'News and Current Events' release in Eastern region,
7	INR 1549	251,00	do	'News and Current Events'
8	1 + 1	294.00	do	'Documentary'
9	INR 1549 Southern (Edition)	297.00	Films Division, No. 24-Peddar Road, Bombay-26.	release in Southern region, 'News and Current Events.
10	INR 1550		do	'News & Current Events'
11	INR 1550 (Western (Edition)	287.00	do	release in Western region 'News & Current Events'
12	INR 1551	231.00	do	'News & Current Events'

1	2	3	4	5	6
13	INR 1551 (Northern Edition)	303.00	do		release in Northern region 'News & Current Events'
14	INR 1552	208.00	do		'News & Current Events'
15	INR 1552 (Eastern Edition)	292.00	do		release in Eastern regions 'News & Current Events'
16	INR 1553	238.00	do		'News & Current Events'
17	INR 1553 (Southern Edition)	301.00	do		release in Southern region, 'News & Current Events'
18	Destination Calcutta.	451.00	do		'Documentary'
19	Mirror of India-Andhra Pradesh.	376.43	Shri G. L. Bhardwas, Bhardawaj Film 341, Tardeo Bombay-34.		'Documentary'
20	Apni Dharti Apna Gaon.	284.36	V. Prabhakar, C/O. Bombay film Lab, 149 R. B. S. K. Road, Dadar, Bombay-28. (2) The Director of Information & Public relation, Government of U. P. Lucknow.		release in U. P. circuit, 'Documentary'
21	Maharashtra News No. 315.	246.00	Directorate General of Information & Public Relations, Government of Maharashtra, 68-Tardeo Road, Bombay-34.		release in Maharashtra circuit, 'News & Current Events'.

		3		
13	INR 1551 (Northern Edition)	303.00	do	release in Northern region 'News & Current Events'
14	INR 1552	208.00	do	'News & Current Events'
15	INR 1552 (Eastern Edition)	292.00	do	release in Eastern regions 'News & Current Events'
16	INR 1553	238.00	do	'News & Current Events'
17	INR 1553 (Southern Edition)	301.00	do	release in Southern region, 'News & Current Events'
18	Destination Calcutta.	451.00	do	'Documentary'
19	Mirror of India-Andhra Pradesh.	376.43	Shri G. L. Bhardwas, Bhardawaj Film 341, Tardeo Bombay-34.	'Documentary'
20	Apni Dharti Apna Gaon.	284.36	V. Prabhakar, C/O. Bombay film Lab, 149 R. B. S. K. Road, Dadar, Bombay-28. (2) The Director of Information & Public relation, Government of U. P. Lucknow.	release in U. P. circuit, 'Documentary'
21	Maharashtra News No. 315.	246.00	Directorate General of Information & Public Relations, Government of Maharashtra, 68-Tardeo Road, Bombay-34.	release in Maharashtra circuit, 'News & Current Events'.

22	Jamshedpur	466.34	Jasmine Films (P) Ltd., 305 Yusuf Mehandi Road, Bombay.	'Documentary
23	Assess Yourself	299.00	Films Division, No. 24, Peddar Road, Bombay-26.	'Educational'
24	Mahiti Chitra No. 280	228.60	Asst. Director of Information, Government of Gujarat, Bombay.	release in Gujarat Circuit, 'News & Current Events'.
25	Balco Comes of Age	473.00	Chief Marketing & Development Manager, Bharat Aluminium Co., Limited, 'Punj House' 18, Nehru Place, New Delhi. (2) Shri I.C. Pandey, M/s. Twenty Four Frames Motion Film Production D-11, Panch Sheel Enclave, New Delhi.	'Documentary'
26	Andhra Pradesh The Home of Handlooms	282.00	Managing Director, A P. State Film Development Corpn., Limited, Hyderabad. 'Gruhakalpa, M.J. Road, (2) Shri C.V.V.R. Prasad, Producer Director Cine Films No. No. 6-3-628/8, Khairtabad Hyderabad.	'Documentary'
27	Harit Chhatra	301.75	Director General of Information & Public Relations. Government of Maharashtra Film Centre, 68-Tardeo Road, Bombay-34.	'Documentary
28	Nai Manzilen	298.00	Asstt. Director, Information & Publicity Government of Madhya Pradesh, Bhopal.	release in Madhya Pradesh circuit 'Documentary'
29	We Build our own	290.00	Films Division No. 24-Peddar Road, Bombay-26.	'Documentary'

1	2	3	4	5	6
30	For Peace and Friendship	582.00	do		'Documentary'
31	Mahiti Chitra No. 281	243.84	Asst. Director of Information (I) Government of Gujarat. Dhanaraj Mahal, Ground Floor, Chhatrapati Shivaji Maharaj Marg, Bombay-39.		release in Gujarat 'News & Current Events'.
32	Mahitichitra No. 282	274.32	do		release in Gujarat 'News & Current Events'
33	Maharashtra News No. 316	290.00	Directorate General of Information and Public Relations Government of Maharashtra, Films Centre, 68-Tardeo Road, Bombay-34.		release in Maharashtra 'News & Current Events'.
34	Ugantar (Revised)	292.61	Director, Information & Public Relations Department U. P. Lucknow		release in Uttar Pradesh 'Educational'
35	Chicken and Eggs.	338.00	Films Division, No. 24, Peddar Road, Bombay-26.		'Documentary'
36	Maharashtra News No. 317.	165.00	Directorate General of Information and Public Relations, Government of Maharashtra, Film Centre, 68-Tardeo Rd, Bombay-34		release in Maharastra circuit, 'News and Current Events'.
37	The Ungrateful Man	346.00	Films Division, 24-Peddar Road, Bombay-26.		'Documentary'
38	Save on Tax	280.00	Films Division, No. 24, Peddar Road, Bombay-26.		'Educational'
39	Sant Ramdas	304.80	N. S. Gupta, Samadhar Co-Op-Housing Society, Senapti Bapat Road, Dadar-28.		'Documentary'

40	Saga of Bombay High	457.00	Films Division, 24-Peddar Road, Bombay-26.	'Documentary'
41	Surdas		do	'Documentary'
42	My Experience	357.00	M/S. Prakash Associates, 3rd Floor, Navasari Chambers, P. T. Marg, Fort, Bangalore-1.	'Documentary
43	INR. 1554	223.00	Films Division, 24-Peddar Road, Bombay.	"News and Current Events".
44	INR. 1554 (Western edition)	302.00	do	release in western region and classified as News & Current Events.
45	INR. 1555	151.00	do	"News & Current Events '
46	INR. 1556	147.00	do	"News and current Events".
47	Uttar Pradesh Samachar No. 52.	278.88	V. Prabhakar, M/S. Bombay Film Laboratory, Director of Information, Dadar.	release in U.P. circuit as 'News & Current Events'
48	Uttar Pradesh Samachar No. 53.	281.93	do	do
49	Mahitichitra No. 283.	182.88	Assistant Director of Information (T) Government of Gujarat Ground Floor Chatrapathi Shivaji Marg Bombay 39.	release in Gujarat circuit "News & Current Events.'
50	Adult Education for better living	366.00	Sr. Aurobindo Bhattachandra Productions, 7/1, Rai B. Road, Calcutta-34.	'Documentary'

1	2	3	4	5
51	An Encounter with Faces.	566.00	Films Division 24-Peddar Road, Bombay	'Documentary'
52	India	315.00	do	'Documentary'
53	Zaroorat Ki Poorti.	335.27	Chidanad Das Gupta C-10, Kalindi Colony, New Delhi-110 014.	release in Semi-urban & rural areas, 'Documentary'
54	Domestic Electricals of Indial	404.00	Films Division 24-Peddar Road, Bombay.	'Documentary'
55	Sant Gadage Maharaj	518.16	Directorate General of Information and Public Relations Government of Maharashtra, Film Centre 68-Tardeo Road, BOMBAY-34.	release in Maharashtra circuit, 'Documentary
56	Swimming To Success.	504.00	do	do

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A. D. MALIK,
Desk Officer.

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 14 LCR 78

Bangalore, dated 10th November 1978.

Ordered that the Iron Ore Mines Manganese Ore Mines, Labour Welfare Fund Rules, 1978, published in Part II Section 3 (i) of the *Gazette of India* dated 26th August 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,

Under Secretary to Government,

32 *Dept. of Law and Parly. Affairs*

New Delhi, the 9th August, 1978

G.S.R. 1064.—Whereas the draft rules proposed to be made under the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) was published as required by sub-section (1) of section 12 of the Act at pages 790 to 799 of the *Gazette of India*, Part II Section 3 Sub-Section (i), dated the 5th March, 1977 under the notification of the Government of India in the Ministry of Labour No. G.S.R. 3[illegible]7 dated the 23rd February, 1977, inviting objections or suggestions from all persons likely to be affected thereby before the expiry of a period of forty-five days from the date of publication of the said notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 5th March, 1977;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 12 of the said Act, the Central Government hereby makes the following rules, namely :—

CHAPTER I—PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Iron Ore Mines Mangenese Ore Mines, Labour Welfare Fund Rules, 1978.

(2) They shall come into force on the 1st day of September, 1978.

2. Definitions.—In these rules, unless the context otherwise requires.—

(1) 'Act' means the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976);

(2) 'Advisory Committee' means an Advisory Committee constituted under section 5 of the Act;

(3) 'Central Advisory Committee' means of a Central Advisory Committee constituted under section 6 of the Act;

(4) 'Chairman' means the Chairman of an Advisory Committee or the Central Advisory Committee, as the case may be;

(5) 'Committee' means the Advisory Committee or the Central Advisory Committee;

(6) "Form" means a form in Schedule-VI;

(7) 'Fund' means the Iron Ore Mines and Manganese Ore Mines Welfare Fund formed under section 3 ;

(8) 'Member' means a member of an Advisory Committee or the Central Advisory Committee, as the case may be, and include the Chairman and Vice-Chairman of such Committee;

(9) 'Schedule' means a schedule appended to these rules;

(10) 'Section' means a section of the Act;

(11) 'treasury' means any Government treasury of sub-treasury ,

(12) 'Welfare Commissioner means a Welfare Commissioner appointed under section 8.

CHAPTER II—CENTRAL ADVISORY COMMITTEE ADVISORY COMMITTEES AND SUB-COMMITEES

3. Composition of the Central Advisory Committee and State Advisory Committees :—

(1) (a) The Central Advisory Committee shall consist of the following persons to be appointed by the Central Government, namely;

(i) Secretary, Additional Secretary, Joint Secretary, Director General of Labour Welfare or any other senior officer of the Government of India in the Ministry of Labour, who shall be the Chairman ex-officio;

(ii) an officer of the Central Government who shall be the Vice-Chairman, ex-officio;

(iii) all Welfare Commissioners; ex-officio

(iv) such number of persons to represent the owners of iron ore mines and manganese ore mines as are equal in number to the aggregate of those provided in sub-clauses (ii) and (iii) to be appointed, after consultation which such organisation, if any, of the owners of such mines, as may be recognised by the Central Government in this behalf.

(v) such number of persons to represent the persons employed in Iron ore mines and manganese ore mines as are equal in number to those provided in sub-clause; (iv) to the appointed after consultation with such organisations, if any, of the persons so employed as may be recognised by the Central Government in this behalf ;

(vi) a women, if no women has been appointed under sub-clause (iv) or sub-clause (v).

(b) The Central Government shall appoint one of its officers as the Secretary of the Central Advisory Committee and the Secretary so appointed shall be entitled to attend and take part in the meetings of the Central Advisory Committee, but shall not be entitled to vote.

(2) (a) Each Advisory Committee shall consist of the following persons, to be appointed by the Central Government namely :—

(i) the Chairman ;

(ii) the Welfare Commissioner, saving jurisdiction in the State, who shall be the Vice-Chairman, ex-officio ;

(iii) an officer of the Central Government Ex-officio ;

(iv) a member of the Legislative Assembly of the State concerned appointed in consultation with the Government of such State ;

(v) two persons to represent the owners of iron ore mines and manganese ore mines, to be appointed after consultation with such organisations, if any, of the owners of such mines, as may be recognised by the Central Government in this behalf ;

(vi) two persons to represent the persons employed in the iron ore mines and mangenese ore mines, to be appointed after consultation with the organisations, if any, of the persons so employed, as may be recognised by the Central Government in this behalf ;

(vii) a women, if no women has been appointed under sub-clause (v) or sub-clause (vi).

(b) An officer of the Iron Ore and Manganese Ore Mines Labour Welfare Organisation in the State concerned shall be appointed as the Secretary of the Advisory Committee and the Secretary so appointed shall be entitled to attend and take part in the meetings of the Advisory Committee, but shall not be entitled to vote.

4. Term of office of members :—

(1) (a) A member (other than an ex-officio member) shall, unless he resigns his office, or dies or otherwise vacants his office at an earlier date, hold office for a period not exceeding three years, as may be specified by the Central Government in each case while making the appointment, from the date of publication in the Official Gazette of the notification appointing him as such member and shall be eligible for reappointment :

> Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.

(b) An ex-office member shall hold office during the pleasure of the Central Government.

(2) A member appointed to fill a casual vacancy shall hold office for as long as the member, whose place he fills, would have been entitled to hold office if the vacancy had not occurred.

(3) If a member is unable to attend a meeting of the Central Committee or Advisory Committee, as the case may be, then, in the case of a member appointed under sub-clause (iv) or sub-clause (v) of clause (a) of sub-rule (1) of rule 3 or sub-clause (v) or sub-clause (vi) of clause (a) of sub-under clause (a) of sub-rule (2) of that rule, the body which is represented by him in the Central Advisory Committee or the Advisory Committee, as the case may be, may by notice in writing signed on its behalf and by the said member, addressed to the Chairman concerned depute, and in other cases the Central Government may nominate, a substitute in his place to attend the meeting and such deputed or nominated member shall have all the rights of a member in respect of that meeting.

5. Resignation.—(1) A non-official member other than the Chairman may resign his office by writing under his hand addressed to the Chairman.

(2) The Chairman may resign his office by writing under his hand addressed to the Central Government.

(3) The resignation shall take effect from the date of its acceptance or on the expiry of thirty days from the date of its receipt by the Chairman or, as the case may be, the Central Government, whichever is earlier.

6. Absence from India.—(1) Before a non-official member leaves India he shall intimate to the Chairman the date of his departure from

and the date of his excepted return to India, and if he intends to be absent from India for a period longer than six months, he shall tender his resignation.

(2) If any such member leaves India without intimation as required under sub-rule (1), he shall be deemed to have resigned with effect from the date of his departure from India.

7. Vacation of office—A non-official member shall be deemed to have vacated his office—

(a) if he becomes of unsound mind or is declared insolvent; or

(b) if he is convicted for any offences which, in the opinion of the Central Government, involves moral turpitude ; or

(c) if he is absent from three consecutive meetings of the Commitee without leave of absence from the Chairman ; or

(d) If, in the opinion of the Central Government it is not desirable that he should continue to be a member ;

(e) in the case of a member of a Legislative Assembly on his ceasing to be a member of such Legislative Assembly ; or

(f) if he ceases to represent the interest for representing which he was appointed.

8. Allowances payable to members.—A non-official member including a non-official coopted member or invitee, shall be entitled to receive travelling allowance and daily allowance as specified in Schedule I in respect of journeys undertaken in connection with the affairs of the Committee.

CHAPTER III

PROCEDURE RELATING TO MEETINGS

9. Disposal of business.—(1) Every question with the Committee is required to take into consideration shall be considerèd either at a meeting or, if the Chairman so directs, by sending the necessary papers to every member for opinion :

provided that the papers shall be sent to each member by registered post with acknowledgement due and with the request that the views of the member should reach of the office of the Committee within the period specified in the notice :

Provided further that the papers need not be sent to a member who is absent from India.

(2) When a question is referred to committee the Committee for opinion, any member may request that the question be considered at a meeting of the Commitee and thereupon the Chairman may, and, if

the request is made by three or more members, shall direct that it be so considered.

(3) If not less than three members of the Committee request the Chairman to refer any matter to the Committee, the Chairman refer that matter to it accordingly.

10. Time, place and date of meetings.—The Committee shall meet at such place and on such date and at such time as may be appointed by the Chairman.

11. Notice of meetings and list of business.—(1) Notice shall be given to every member present in India of the time and place fixed for each ordinary meeting at least fifteen days before such meeting and every member shall be furnished with a list of business to be considered at the meeting.

(2) (a) An emergency meeting of the Committee may be called by the Chairman to discuss matters on which a decision has to be taken immediately.

(b) Notice shall be given either by registered post or by telegram or in person, to every member present in India, of the place, time and date of an emergency meeting at least four days before such meeting and every member shall be furnished with a list of business to be considered at the meeting.

(3) No business which is not included in the list of business shall be considered at a meeting without permission of the Chairman.

12 Presiding at meetings.—The Chairman shall preside at every meeting at which he is present and, in his absence, the Vice-Chairman shall preside.

13. Quorum.—No business shall be transacted, at a meeting (whether ordinary or emergent) of the Committee unless at least one-third of the total number of members of the Committee having the right to vote are present and at least one of the members so present is the Chairman or the Vice Chairman:

Provided that if at any meeting, less than one-third of the total number of members are present the Chairman or in his absence, the Vice-Chairman may adjourn the meeting to a date not later than seven days from the date of the meetings informing the members present and sending registered notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is quorum or not.

14. Recommendation by majority.—(1) Every question at a meeting of the Committee shall be decided by a majority of votes of

the members present and voting on that question, but the minority shall in all cases have the right of requiring their dissent to be noted.

(2 Every question referred to the members for opinion shall, unless the Chairman in pursuance of sub-rule (2) of rule 9 reserves it for consideration at the meeting, be decided in accordance with the opinion of the majority of members recording opinion with the time specified.

(3) In the case of an equal division of votes or opinion, the Chairm n shall have an additional or casting vote whether the matter is considered at a meeting of the Committee or by sending the papers for the opinion of members.

15. Minutes of meetings.— The proceedings of each meeting of the Committee shall be ciculated to all members present in India, as soon as may be after the meeting and shall be read out and confirmed at the next meeting of the Committee and signed by the Chairman or, as the case may be, the Vice-Chairman, presiding at such next meeting and shall thereafter be recorded in a minute book, which shall be kept for permanent record.

16. Headquarters of the Central Advisory Committee or an advisory Commitee -The headquarters ofthe Central Advisory Committe shall be in New Delhi and the headquarters of an Advisory Committee shall be at such place as may be fixed by the Central Government.

17. Chief executive of an advisory Committee.—(1) The Welfare Commissioner shall be Chief executive of an Advisory Committee and exercise the executive functions of the Advisory Committe on its behalf.

(2)The Secretary of an Advisory Committee shall carry out routine duties and shall exercise such powers and discharge such duties as the Welfare Commissioner, may, with the approval of the Central Government, delegate to him.

(3) The Welfare Commissioner may authorise the staff of the Advisory Committee to give assistance to any member of an Advisory Committee or of a sub-committee of the Advisory Committee or to any other authority exercising executive or advisory functions in connection with the Act.

18. Conditions of service of persons appointed under section 8.— Persons appointed under section 8 shall be governed by such rules relating to the terms and conditions of service as are applicable to Central Government servants.

19. Power of Welfare Commissioner to incur expenditure.— (1) The Welfare Commissioner shall have power, subject to the provisions in the sanctioned budget, to incur expenditure on administrative staff and welfare schemes :

Provided that—

(i) he shall have no powers to sanction any scheme, if it involves expenditure exceeding Rs. 50 000/- non recurring and Rs. 5,000/- recurring in a year ; and

(ii) in the case of a new scheme, the approval of the Finance Sub-Committee of the Advisory Committee concerned shall have to be obtained before it is sanctioned by the Welfare Commissioner or any expenditure on it is incurred.

(2) The Welfare Commissioner may sanction without reference to the Advisory Committee, expenditure on contingencies, supplies and services and purchases of articles required for the running of the organisation under him subject to financial provision in the sanctioned budget and subject to the condition that the expenditure on any single object shall not exceed Rs. 2,000/- non-recurring and Rs. 400/- recurring.

POWERS OF ADVISORY COMMITTEES

20. Budget,—(1) The annual budget as prepared by the Welfare Commissioner in consultation with the Finance Sub-Committee shall be considered by the Advisory Committee concerned each year and thereafter a copy of the budget, as approved by the Advisory Committee, shall be forward not later than the 1st day of October each year for sanction to the Central Government which may make such alterations therein as it considers necessary before according its sanction.

(2) The budget to be forwarded to the Central Government shall be accompanied by detailed self-contained notes explaining new schemes included therein.

21. Other matters to be considered by an Advisory Committee.—(1) An Advisory Committee shall besides carrying out its other duties, consider and advise upon any matter arising out of the administration of these rules which may be referred to it by the Central Government or the State Government for advice.

(2) An Advisory Committe may also consider any other matter that may be placed before it by the Welfare Commissioner with the prior permission of the Chairman.

22. Committee to be informed of expenditure.—A memorandum setting forth any grant made of expenditure incurred since the last meeting shall be laid at each meeting of an Advisory Committee.

23. Finance Sub-Committee.—(1) An Advisory Committee shall elect from among its members two persons of whom one shall be a person to represent owners of the Iron ore mines or manganese ore mines or both and the other to represent the persons employed in the

iron ore mines or manganese ore mines or both to constitute a Finance Sub-Committee of which the Welfare Commissioner shall be an additional member and Chairman.

(2) An Advisory Committee may at any time co-opt a person or persons to the Finance Sub-Committee and any person so co-opted shall exercise all the powers and functions of a member of the Finance Sub-Committee, but shall not be entitled to vote and shall not solely by reason or being co-opted as a member of the Finance Sub-Committee be a member of the Advisory Committe

(3) Notice of every meeting of the Finance Sub-Committee shall be sent to the Chairman of the Advisory Committee who may attend such meeting if he so desires, and if he does so attend, he shall, notwithstanding anything contained in sub-rule (1), preside at the meeting and shall be entitled to vote.

24. Duties of the Finance Sub-Committee.—The duties of the Finance Sub-Committee shall be to frame schemes of expenditure, to advise on the budget drawn up by the executive of the Advisory Committee and on the accounts of the Advisory Committee and also in regard to all expenditure and to consider all schemes referred to in clause (ii) of the proviso to rule 19.

25. Other sub-committees.—An Advisory Committee may as and when considered necessary, constitute from among its members as many sub-committees as it may deem necessary for considering and reporting on such matters as may be specifically referred to it.

26. Meetings of sub committees.—The meetings and proceeding of the Finance Sub-Committee and any other sub-committee which may be constitute under rule 25 shall, mutatis mutandis be governed by the provisions herein contained for regulating the meetings and proceedings of an Advisory Committee.

CHAPTER IV

GRANTS AND WELFARE STANDARDS

27. Grants.—(1) In each case in which a grant is made by or with the approval of the Central Government to a State Government a local authority or the owner of an iron ore mine or a manganese ore mine in aid of any scheme, approved by the Central Government, for the purposes of the Act, the Central Government may impose conditions necessary for ensuring.—

(a) that the work for which the grant is made is duly and promptly executed and the money is actually utilised for the purpose for which it is granted ;

(b) that the data on which the grant is calculated are in accordance with facts ;

(c) that any particulars which the Central Government may from time to time require for the proper discharge of its responsibilities are promptly supplied :

(d) that all necessary facilities for inspection are accorded to persons duly authorised by the Central Government for the purpose of satisfying itself that the provisions of clause (a) are complied with or for checking the correctness of any particulars supplied under clause (c) or for the collection of such particulars.

(e) that proper accounts of the money granted are kept and are submitted for audit by such persons as the Central Government may authorise in this behalf ;

(f) that an additional statement of accounts together with a certificate of a Registered Accountant or other recognised body of auditors to the effect that the accounts are correct. is furnished by the grantee : and

(g) that the labour employed on regular basis and that employed on contract basis are given same welfare facilities.

(2) Before making grant to a local authority, or to the owner of an iron ore mine or manganese ore mine the Central Government shall require such local authority or owner to execute a bond for the fulfilment of the conditions imposed by the Central Government under sub-rule (1).

(3) It shall be a condition of every bond executed under sub-rule (2) that in the event of the local authority or owner of the mine violating any condition imposed under sub-rule (1) such local authority or owner shall be liable to pay to the Central Government a sum not exceeding the amount paid as grant by way of penalty in addition to the refund or the entire remaining grant ; and where the amount of penalty and the remaining grant-in-aid is huge, payment may be allowed to be made in two or three instalments.

28. Standard of dispensary and hospital services.—(1) The standard of dispensary or hospital services to be provided by owners of iron ore mines or manganese ore mines for the purpose of getting the grant-in-aid under clause (c) of section 4 shall be as specified in Schedule II or Schedule III, as the case may be (hereafter in this rule and in rules 29 and 31 referred to as the prescribed standard).

(2) There shall be maintained an independent dispensary or hospital at the site of each iron ore or manganese ore mine according to the prescribed standard :

Provided that a common main dispensary or hospital may be maintained for several iron ore mines or manganese ore mines with branch dispensaries or hospitals attached to each iron ore mine or manganese ore mine subject to the following conditions, namely :—

(i) the common main dispensary or hospital shall maintain the standards prescribed for the aggregate number of workers of all the iron ore or manganese ore mines served by it or the standard maintained by during the year 1975, whichever is higher.

(ii) every branch dispensary or hospital shall have a qualified doctor and a qualified compounder (pharmacist);

(iii) the common main dispensary or hospital shall be so situated that none of the iron ore or manganese ore mines served by it is more than fifteen kilometers away from it ; and

(iv) the common main dispensary or hospital shall maintain an ambulance van for taking serious cases of injury and sickness from the branch dispensory or hospital to the common main dispensary or hospital.

(3) The Welfare Commissioner may, if he is satisfied that any dispensary or hospital is being efficiently run and serves the purpose for which it is established for reasons to be recorded in writing, waive any of the requirements specified in the prescribed standard :

Provided that no such dispensary or hospital shall contain any room other than a store room which is less than four metres by three metres in area ; provided further that a medical licentiate may be appointed to be incharge of a dispensory or hospital catering to more than 250 workers only if he has ten years experience as a medical officer independent charge of a main dispensary.

29. Inspection.—The dispensary or hospital services maintained by owners of iron ore or manganese ore mines shall be inspected at interval not exceeding one year by such medical or other officer as may be authorised by the Welfare Commissioner for the purpose or by the Welfare Commissioner himself whenever he considers it necessary and inpecting officer or the Welfare Commissioner, as the case may be shall if the dispensary or hospital conforms to the prescribed standard, issue a certificate in Form A which shall be valid for a period of one year from the date of the issue.

30 Submission of periodic returns.—Every owner of an iron ore mine or manganese ore mine who maintains a dispensary or hospital service according to the prescribed standard shall submit to the Welfare Commissioner :—

(i) in January and July of each year a statement showing the total amount of iron ore or manganese ore produced in his mine during the preceding six months ; and

(ii) in January of each year a certified statement of expenditure incurred on the dispensary or hospital during the preceding twelve months.

31. Standard of maternity centre.—(1) The Standard of maternity centre to be provided by owners of iron ore mines or manganese ore mines for the purpose of getting the grants-in-aid under clause (c) of section 4, shall be as specified in Schedule IV (hereinafter in this rule and in rules 32, 33, and 34 referred to as the prescribed standard).

(2) There shall be maintained an independent maternity centre at the site of each iron ore or manganese ore mines according to the prescribed standards—

Provided that a common main maternity centre may be maintained for several iron ore or manganese ore mines with branch maternity centres attached to each iron ore or manganese ore mine subject to the following conditions, namely :—

(i) the common main maternity centre shall maintain the prescribed standard for the aggregate number of workers of all the iron ore or manganese ore mines served by it or the standard maintained by it during the year, 1975, whichever is higher ;

(ii) every branch maternity centre shall have a qualified doctor and a qualified compounder (pharmacist) ;

(iii) the common main maternity centre shall be so situated that none of the iron ore or manganese ore mines served by it is more than fifteen kilometres away from it ; and

(iv) the common main maternity centre shall maintain an ambulance van for taking serious cases from the branch maternity centres to the common maternity centre.

(3) The Welfare Commissioner, may, if he is satisfied that a maternity centre is being efficiently run and serves the purpose for which it is established, for reasons to be recorded in writing waive any of the requirements specified in the prescribed standard :—

Provided that the functions of a lady health visitor may be performed by a fully qualified and registered mid-wife who has not less than ten years' experience as a mid-wife.

Provided further that a lady medical licentiate may be appointed to be incharge of a maternity centre catering to more than 1000 workers if she has ten years' experience as a medical officer in independent charge of a mine maternity centre.

32. Inspection.—The maternity centre maintained by owners of iron ore or manganese ore mines shall be inspected at intervals not exceeding one year by such medical or other officer as may be authorised by the Welfare Commissioner for the purpose or by the Welfare Commissioner himself whenever he considers it necessary and the inspecting officer or the Welfare Commissioner as the case may be, shall, if the centre conforms to the prescribed standard, issue a certificate in Form 'B' which shall be valid for a period of one year from the date of issue.

33. Submission of periodic returns.—Every owner of an iron ore or a manganese ore mine who maintains a maternity centre according to the prescribed standard shall submit to the Welfare Commissioner in January of each year a certified statement of the expenditure incurred on the maternity centre during the preceeding twelve months.

34. Extent of Grant-in-aid.—(1) Every owner of an iron ore mine or a manganese ore mine who maintains a dispensary, hospital or a maternity centre for the benefit of labour employed in his mine which conforms to the prescribed standard under rule 28 or rule 31, as the case may be, and is subject to inspection under rule 29 or 32, as the case may be, shall, if he desires to carry on improvement of the facilities existing immediately before the 1st April, 1976, be eligible for grant-in-aid in respect of non-recurring expenditure on such improvement as the Central Government may decide, subject to the condition that it shall not exceed 50 per cent of the said expenditure.

(2) Every owner of an iron ore mine or a manganese ore mine who maintain a dispensary, hospital or maternity centre for the benefit of the labour employed in his mine shall, if the Welfare Commissioner is of opinion that the dispensary, hospital or maternity centre conforms to the prescribed standard, be eligible to a grant-in-aid which shall not exceed—

(i) the amount of duty at the rate of five paise per tonne recovered in respect of iron ore or manganese ore produce by the mine less the proportionate cost of recovery; or

(ii) 75 per cent of the amount spent by the owner of the mine on the maintenance of the dispensary, hospital or maternity centre as determined by the Welfare Commissioner whichever is less;

Provided that in the case of a dispensary, hospital or maternity centre which serves other workers and the members of the public the amount spent by the owner of the mine on the maintenance of the dispensary hospital or maternity centre service for the purpose of this clause may if separate expenditure figure are not available, be determined by the chairman on proportionate basis.

35. Standard of facilities for education and recreation.—(1) The standard of facilities for education and recreation of workers to be provided by owners of iron ore mines or manganese ore mines for the purpose of getting grants-in-aid under clause (c) of section 4 shall be as specified in Schedule V, (hereafter in this rule 36, 37 and 38 referred to as the prescribed standard);

(2) There shall be maintained an independant welfare centre at the site of each iron ore mine or mangasese ore mine according to the prescribed standard.

(3) The Welfare Commissioner may, if he is satisfied that the centre is being efficiently maintained and serves the purpose for which it is established, for reasons to be recorded in writing, waive any of the requirements specified in the prescribed standard.

36. Inspection.—The welfare centre maintained by owners of iron ore mines or managese ore mines shall be inspected at intervals not exceeding one year by such officer as may be authorised by the Welfare Commissioner for the purpose or by the welfare commissioner himself whenever he considers it necessary and the inspecting officer of the Welfare Commissioner, as the case may be, shall, if the centre conforms to the prescribed standard, issue a certificate in Form C which shall be valid for a period of one year from the date of issue.

37. Submission of periodic returns —Every owner of an iron ore mine or manganese ore mine who maintains a welfare centre according to the prescribed standard shall submit to the Welfare Commissioner.

(i) immediately on the establishment of the Welfare Centre, adequate proof to the satisfaction of the Welfare Commissioner showing the capital expenditure incurred on the construction and equipment of the Welfare Centre; and

(ii) in January each year a certified statement of the expenditure incurred on the welfare centre during the preceeding twelve months;

Provided that the statement shall not include expenditure, if any incurred on repairs and replacements.

38. Extent of grant-in-aid.—Every owner of an iron ore mine or a manganese ore mine who maintains a walfare centre for the benefit of the labour employed in his mine which conforms to the prescribed standard and is subject to inspection under rule 36 shall be eligible to a grant-in-aid which shall not exceed 50 per cent of the amount spent by the owner of the mine in construction and equipment of the welfare centre subject to a maximum of Rs. 10,000.

39. Statistics and other information.—(1) The owner, agent or manager of an iron ore mine or manganese or mine or the occupier of a metallurgical factory, as the case may be, shall, furnish such

35. Standard of facilities for education and recreation.—(1) The standard of facilities for education and recreation of workers to be provided by owners of iron ore mines or manganese ore mines for the purpose of getting grants-in-aid under clause (c) of section 4 shall be as specified in Schedule V, (hereafter in this rule 36, 37 and 38 referred to as the prescribed standard);

(2) There shall be maintained an independant welfare centre at the site of each iron ore mine or mangasese ore mine according to the prescribed standard.

(3) The Welfare Commissioner may, if he is satisfied that the centre is being efficiently maintained and serves the purpose for which it is established, for reasons to be recorded in writing, waive any of the requirements specified in the prescribed standard.

36. Inspection.—The welfare centre maintained by owners of iron ore mines or managese ore mines shall be inspected at intervals not exceeding one year by such officer as may be authorised by the Welfare Commissioner for the purpose or by the welfare commissioner himself whenever he considers it necessary and the inspecting officer of the Welfare Commissioner, as the case may be, shall, if the centre conforms to the prescribed standard, issue a certificate in Form C which shall be valid for a period of one year from the date of issue.

37. Submission of periodic returns.—Every owner of an iron ore mine or manganese ore mine who maintains a welfare centre according to the prescribed standard shall submit to the Welfare Commissioner.

(i) immediately on the establishment of the Welfare Centre, adequate proof to the satisfaction of the Welfare Commissioner showing the capital expenditure incurred on the construction and equipment of the Welfare Centre; and

(ii) in January each year a certified statement of the expenditure incurred on the welfare centre during the preceeding twelve months;

Provided that the statement shall not include expenditure, if any incurred on repairs and replacements.

38. Extent of grant-in-aid.—Every owner of an iron ore mine or a manganese ore mine who maintains a walfare centre for the benefit of the labour employed in his mine which conforms to the prescribed standard and is subject to inspection under rule 36 shall be eligible to a grant-in-aid which shall not exceed 50 per cent of the amount spent by the owner of the mine in construction and equipment of the welfare centre subject to a maximum of Rs. 10,000.

39. Statistics and other information.—(1) The owner, agent or manager of an iron ore mine or manganese or mine or the occupier of a metallurgical factory, as the case may be, shall, furnish such

statistics or other information as the Central Government or any person authorised by that Government may, by written order, require for the purposes of the Act in Form 'D' and within such time (being not less than thirty days from the date on which the order is served on to the persons concerned) and in such manner as may be specified in the order.

(2) Any owner, agent or manager of an iron ore mine or manganese ore mine or the occupier of a metallurgical factory, as the case may be, who, without reasonable excuse, fails to furnish the statistics or other information required under sub-rule (1) or furnishes statistics or other information containing a statement, entry or detail which is not, to the best of his knowledge or belief, true shall be punishable with fine which may extendto five hundred rupees.

SCHEDULE-I

(see rule 8)

A-Non-Official Members other than Members of Parliament and State Legislatures

(a) Travelling Allowance

1. Journey by rail.—Normally, a member should travel by first class by rail and in respect of such journeys he shall be entitled to first class rail-fare:

Provided that the Central Government may, allow a member to travel by Air Conditioned Coach, where this concession is in the opinion of the Central Government, justified by fulfilment of one or more of the following conditions, namely;—

(a) the member concerned is required to travel in air-conditioned accommodation on grounds of health or because of very advanced age or infirmity;

(b) the member is or, immediately before he retired from employment, was entitled to travel in air-conditioned coach under the rules of the organisation to which he belongs or might have belonged immediately before retirement;

(c) the Central Government is satified that travel by air-conditioned coach by rail is the customary mode of travel by the non-official member concerned in respect of our journeys unconnected with the performances of duty related to his employment

2. (i) Journey by road.—In respect of jurneys by road between places not connected by rail, a member shall be enttitled to road mileage at 60 paise par kilometer for travel in own car or full taxi or 20 paise per kilometer for travel on motor cycle or scootor.

(ii) Where journey between two places connected by rail is performed by road, he will be entitled to the prescribed road miled limited to First Class fare by rail.

Provided that where in an individual case the Central Government is satisfied that the journey by road was performed in public interest, full road mileage allowance may be allowed without restricting it to rail fare.

3. Journey by sea or by river steamer.—In respect of journey by sea or by river steamer, a member will be entitled to one fare at the lowest rate (exclusive of diet) of the highest class of accommodation.

4. Journey by air.—(1) Air travel shall not be permitted as a matter of course and each case will be examined on merits by the Central Government and permission for air-travel granted only if it can be certified that air-travel is urgent and necessary in public interest.

(ii) A member when authorised travel by air shall be entitled to travel by Economy (Tourist) class only where two classes of accommodation, that is First and Economy (Tourist) class accomodation, are available on the airlines.

(iii) In cases where air-travel is authorised, a member will be entitled to one standard air-fare.

NOTE-(1) Every member permitted to travel by air is required to purchase return ticket, wherever it is available, when it is expected that the return journey can be performed before the expiry of the period for which return ticket is available and the mileage allowance for the forward and the return journeys, when such return tickets is available shall be the actual cost of the return ticket.

NOTE-(2) If in any individual case a member asks for general permission to travel by air in connection with his duties as a member, the Central Government may examine the case on merits and grant general permission to the individual concerned to travel by air at his discretion, if the Central Government is satisfied that the member concerned habitually travels by air on journey not connected with the performance of official duty.

(b) Daily Allowance :—

Daily allowance for the entire absence from headquarters will be regulated as follows :—

(1) Full daily allowance may be granted for each completed calender day of absence from headquarters reckoned form mid-night.

(2) For absence from the headquarters for less than twenty four hours, the daily allowance will be admissible at the following rates, namely :—

(i) if the absence from headquarters does not exceed 6 hours 30 per cent of the full daily allowance ;

(ii) if the absence from the headquarters exceeds six hours but does not exceed twelve hours 50 per cent of the full daily allowance ;

(iii) if the absence from the headquarter exceeds twelve hours, full daily allowance.

(3) In case the period of absence from headquarters falls in two calender days, it is reckoned as two days and dialy allowance shall be calculated for each day as above and daily allowance for days of departure from and arrival of headquarters will also be regulated in the manner specified above.

(4) The rates of daily allowance will be as follows :—

(a) When the member avails of Government or public sector Guest House facilities or makes his own arrangements, shall be entitled for daily allowance at the rates specified in the Table below.

TABLE

	Expensive localities	
Ordinary localities i.e., localities other than the localities specified in column (2) or (3)	Cites of Delhi, Simla and Madras, the whole of the Union Territory of Lakshadweep and the whole of Jammu and Kashmir.	Bombay, Calcutta, Darjeeling District (except Siliguri sub-division) and Darjeeling town / North East Frontier Agency areas beyond Inner Line/ Naga Hills, Tuensange Area beyond Inner Line/ Spiti and Lahaul area of Punjab/Chini Tehsil/ Paraganas of Dassan/ Antharabis and Pandarabis of Rampur Tahsil Dodra Kanwar of Rohru Tehsil in the district of Mahasu, Pangi sub-Tehsil of Chamba District.
(1)	(2)	(3)
Rs. 21.00	Rs. 23.50	Rs. 28.00

(b) When the member stays in a hotel or other establishments, in the localities specified in columns (1) of (2) of the Table below, providing board or lodging or both at Scheduled Tariffs, he shall be entitled for daily allowance at the rates specified in the corresponding entries in the Table.

TABLE

cities of Delhi, Simla and Madras the whole of the Union Territory of Lakshadweep and the whole of Jammu and Kashmir.	Bombay/Calcutta/Darjeeling District (Except Siliguri sub-division) and Darjeeling town/North East Frontier Agency areas, beyond the Inner Line/Spiti and Lahaul area of Punjab/Delhi Tehsil Parganas of Dassan/Antharabis and Pandarabis of Rampur Dodra Kanwar of Rohru Tehsil in the district of Chamba District.
(1)	(2)
Rs. 40.00	Rs. 50.00

(5) Whenever the claim for daily followance is preferred with reference to the rates specified in the Table below clause (b) of sub-paragraph (4) it should be accompanied by a certificate in the following terms and the vouchers in support of the stay in the hotel or establishment should be annexed to the T.A. Claim.

CERTIFICATE

Certified that I stayed from...

(Date)

to.. at...

(Date) (Name of Hotel/Establishment)

at.....................which provided board or/and lodging at Scheduled

(Name of Place)

Tariffs.

(6) If a member is provided free board and lodging, he shall draw only one fourth of the daily allowance for the day or days. If he is provided with only free board he will draw one half of the Dearness Allowances for that (those) day(s).

(7) If a membes is provided with only free lodging, he shall draw three-fourths daily allowance for that (those) day(s).

(8) For the time spent on journeys, rates of daily allowance specified for ordinary localities in the Table below clause (a) of sub-paragraph (4) only shall be admissible.

9) When the total absence from headquarters is partly spent in journeys in an ordinary locality and partly in an expensive locality the total number of daily allowances will first be calculated as provided in the aforesaid provisions. From this the number of daily allowanse for halt in expensive locality, for which daily allowance at the special rate will be allowed, will be deducted and the amount due on that account calculated. The amount due for the remaining nubmber of daily allowances will then be calculated at the rates specified for ordinary localities in Column (1) of the table below clause (a) of sub-paragraph (4) .

B—MEMBERS OF PARLIAMENT

(a) Travelling allowances

In respect of journeys performed by a member who is a Member of Parliament, he shall be entitled to travelling allowance on the same scale as is admissible to him under Section 4 of the Salaries, Allowances and pension of Members of Parliment Act, 1954 of (30. 1954) in respect of journeys performed by him for the purposes of attending a meeting of a Committee of either House of Parliament.

(b) Daily allowance.

A member who is a Member of Parliament shall be entitled in relation to attending any meeting of the Committee such daily allowance as he would be entitled to under section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) in relation to attending a sitting of a committee of either House of Parliament.

C-MEMBERS OF STATE LEGISLATURES

The travelling allowance and daily allowance of that member who is a Member of a State Legislature shall be entitled to in relation to attending a meeting of the Committee shall be the same as are admissible to them under the rules regulating the travelling allowance and daily allowance for attending a meeting of a Committee of the State Legislature.

Note :—The travelling and daily allowance shall be admissible in the case of any member only on production of a certificate by the member concerned to the effect that he has not claimed or drawn travelling or daily allowance in respect of the journey and halts from any other sources

SCHEDULE—II

Standard of dispensary services

(See rule 28)

. BUILDINGS.

1. Dispensary catering for 1,000 workers or less Three, rooms to be used as follows :—

(i) Consulting room (5 metres x 4 metres)

9) When the total absence from headquarters is partly spent in journeys in an ordinary locality and partly in an expensive locality the total number of daily allowances will first be calculated as provided in the aforesaid provisions. From this the number of daily allowance for halt in expensive locality, for which daily allowance at the special rate will be allowed, will be deducted and the amount due on that account calculated. The amount due for the remaining nubmber of daily allowances will then be calculated at the rates specified for ordinary localities in Column (1) of the table below clause (a) of sub-paragraph (4)

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SCHEDULE—II

Standard of dispensary services

(See rule 28)

BUILDINGS.

1. Dispensary catering for 1,000 workers or less Three, rooms to be used as follows :—

(i) Consulting room (5 metres x 4 metres)

(ii) Dressing room	(5 metres x 4 metres)
(iii) Dispensary and store room covered waiting accommodation 15 square metres Two latrines (flush type each 2 metres x 3 metres)	(5 metres x 4 metres)

2. Dispensary catering for 1,001 to 2,000 workers—Six room to be used as follows :—

(i) Consulting room for males	5 metres × 4 metres)
(ii) Consulting room for females	(5 metres × 4 metres)
(iii) Minor Operation room	(5 metres × 4 metres)
(iv) Dispensary room	(5 metres × 4 metres)
(v) Laboratory room	(15 to 18 sq. metres)
(vi) Store room	(5 metres × 4 metres)

Covered waiting accommodation-20 square metres Two Latrines (flush type) each 2 metres × 3 metres

Dispensary catering for 2,001 workers or more-Nine rooms to be used as follows :—

(i) Consulting room for males	(5 metres × 4 metres)
(ii) Consulting room for females	(5 metres × 4 metres)
(iii) Minor Operation room	(5 metres × 4 metres)
(iv) Dispensary room	(5 metres × 4 metres)
(v) Laboratory room	(15 to 18 square metres)
(vi) Dressing room	(3 metres × 4 metres)
(vii) Dark room	(3 metres × 3 metres)
(viii) Registration and Record Office room	(15 Square metres) room
(ix) Store room	(5 metres × 4 metres)

Covered waiting accommodation—25 Square metres Three latrines (flush type) each (2 metres × 3 metres).

Each dispensary shall provide emergency beds for treatment of simple and emergency cases at the rate of the one bed for every 250 workers subject to a minimum of two beds, one of male and one for females. For this purpose separate rooms shall be provided for males and females. The rooms shall have air space 18 cubic metres per bed and door and window space not less than one-third of the floor space with varandha 2.5 metres wide along the front of the rooms.

Iron Ore or Manganese Ore mines which have no provision for emergency beds on the lines mentioned above at their dispensaries at the commencement of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1978 may within a period of three years

(ii)	Dressing room	(5 metres x 4 metres)
(iii)	Dispensary and store room covered waiting accommodation 15 square metres Two latrines (flush type each 2 metres x 3 metres)	(5 metres x 4 metres)

2. Dispensary catering for 1,001 to 2,000 workers—Six room be used as follows :—

(i)	Consulting room for males	5 metres × 4 metres)
(ii)	Consulting room for females	(5 metres × 4 metres)
(iii)	Minor Operation room	(5 metres × 4 metres)
(iv)	Dispensary room	(5 metres × 4 metres)
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(iv)	Dispensary room	(5 metres × 4 metres)
(v)	Laboratory room	(15 to 18 square metres)
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Iron Ore or Manganese Ore mines which have no provision for emergency beds on the lines mentioned above at their dispensaries at the commencement of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1978 may within a period of three years from such commencement provide for such beds. Such of those mines which fail to provide emergency beds within such period shall not be entitled to any subsidy thereafter even if they may be otherwise qualified for it.

II STAFF

1. Dispensary catering for 250 workers or less :

Medical licentiate or Graduate	1	(whole-time)
Auxiliary Nurse Midewife	1	(whole-time)
Compounder-*cum*-Dresser	1	(whole-time)
Sweeper	1	(whole-time)

2. Dispensary catering for 251 to 500 workers :

Medical Graduate	1	(whole-time)
Auxiliary Nurse Midwife	1	(whole-time)
Compounder-*cum*-Dresser	1	(whole-time)
Sweeper	1	(whole-time)

3. Dispensarp catering for 501 to 1,000 workers :

Medical Graduate	1	(whole-time)
Auxiliary Nurse Midwife	1	
Compounder-*cum*-Dresser	1	
Sweeper	1	
Attendants	2	
Cook	1	

4. Dispensary catering for 1,001 to 2 000 workers :

Medical Graduate	1	(whole-time)
Compounder	1	
Dresser	1	
Auxiliary Nurse Midwife	1	
Sweeper	2	
Attendants	3	
Cook	1	

5. Dispensary catering for 2,001 workers or more :

Medical Graduate	1	(whole-time)
Medical Licentiate or Graduate	1	
Compounder	1	
Dresser	2	
Auxiliary Nurse Midwife	1	
Nurse	1	
Sweepers	2	
Attendants	4	
Cooks	2	

III. LIST OF DRUGS, SURGICAL EQUIPMENTS, DRESSING, ETC. FOR DISPENSARY.

A DRUGS

1. Acid Acetic
2. Acid Boric
3. Acid Carbolic
4. Acid Salicyclic
5. Aqua Distillate
6. Ammon Carbonate
7. Aspirin
8. Benedict's solution
9. Ephedrine Hydrochlor (1/2 gr. tab)
10. Ether
11. Extract Clyeer. Liq.
12. Ferri suph tablets-Fersolate.
13. Glucose powder & injection.
14. Glycerine.
15. Gum acacia
16. Kaolin
17. Liq. Ammon. Acetatis
18. Lysol or Dettol or Savlon.
19. Mag. oxide powder or Mag. Trisilicate.
20. Mag. Suplh.
21. Multi vitamin tab.
22. Glaxena
23. Oil Menth pip
24. Paludrine tabs.
25. Phenobarbitons tab.
26. Pot. Iodide.
27. Pot. Bromide
28. Pot. permanganate.
29. Sodi Bicarbonate
30. Sodi Salicylate
31. Spt. Ammon. Aromat
32. Spt. Methylated
33. Spt. rectified
34. Sulphenilamide or sulphadiazine tablets
35. Sulphaguandine tablet
36. Sulphanilamide powder
37. Tab. Digoxin/Pill Digitalis co B.P.C.
38. Tinct. Belladona
39. Tinct. Benzoin Co.
40. Tinct. Opii camphorate
41. Tinct. Card co
42. Tinct. Hyoscyamus
43. Tinct. Iodine
44. Vaseline

45 Zine Oxide
46 Coramine or Nikethmide
47 Emetins Hydrochlor (amp. 30 mg. 60 mg.)
48 Perocaine (Hyderochlor or Novocain 2 per cent amp)
49 Serum Tatanus anti toxin 1,500 units.
50 Tab. Atropine (1/100gr)
51 Tab. Morphine (60 mg)
52 Penicillin 1,00,000 unit ampoules or 4,00,000 unit amps.
53 Streptomycine (1 gm. amp.).
54 PAS (Paramino cydealicacid) bigger dispensary).
55 Inj. Adrenalin Hydrochlride.
56 Pot. Citrate.
57 Isonicotinic Acid Hydrazide 100 mg. tab.
58 Dextrose and sodium chloride injections U. S. P. in teran
fusion bottles.
59 Distilled water ampoules.
60 Liquid Parraffin.
61 Tetanus toxoid.
62 Inj Spasmindon.
63 Inj. Nethergin.
64 Inj. Novalgin.
65 Lethidrone (begger dispansary).
66 Inj. Siquil.
67 Inj. Pethedine Mcl.
68 Inj. Phenergan.
69 Inj. Largactil.
70 Inj. Mephentine sulphata.
71 Inj Decadron.
72 Inj. Avil.
73 Gardenal sodium (bigger dispensary).
74 Inj. Calcium gluconate.
75 Inj. Clouden.
76 Inj. Serpasil.
77 Inj. Aminephyllin 10 ml.
78 Inj. Vot. K.
79 Inj. Vit. BC & BI 2.
80 Inj. B. Complex (bigger dispensary).
81 Inj. Paraldehyde ampoule of 5 ml.
82 Tab.
83 Liver Cetrac (bigger dispensary).
84 Cedilanid (bigger dispensary).
85 Inj. Streptopeniccillin.
86 Inj. Lasiz (bigger dispensary).
87 Inj. Proluton Depot (bigger dispensary).
88 Tab. B. Complex (bigger dispensary).
89 Tab. cal. gluconate.
90 Tab. Vict. (ascorbic acid)

91 Tab. Esidrex.
92 Tab. Antacid.
93 Tab. Prednisotone.
94 Piperazine citrate.
95 Chloramphenicol cap (125 mg. & 250 mg.).
96 Cap. Teteracycline Mg. 250 mg.
97 Tab. Avil.
98 Tab. Seqnil (bigger dispensary)
99 Tab. Phenylbutazone (bigger dispensary).
100 Tab. Serpasil.
101 Tab. Asmapax depot.
102 Tab. Sorbitrate (bigger dispensary).
103 Terramycin eye oint.
104 Syrup Tolu.
105 Syrup Vasaca.
106 Liquoric Liquid Extract.
107 Merbromin powder.
108 Alcohol (spirit).
109 Tab. Aspirin.
110 Shark liver oil.
111 Tab. Methergin (bigger dispensary).
112 Hydrogen Peroxide (bigger dispensary).
113 Lobelia tinture.
114 Orange tincture.
115 Sodium citrate.
116 Paracetamol tablets (for patients) sensitive with ulcer where Asprin is contra-indicated (bigger dispensary).
117 Paracetamol syrup (for children) bigger dispensary.
118 Mexaform tablets-Entroquinol-Enteroviaform.
119 Oxyphenbutazpne tables (Tendril) (begger dispensary).
120 Antidiarrhoea suspension (children)
121 Muluvitamin drops (children).
122 I. T. P Vaginal tablets.
123 Flagyl tablets.
124 Equanil Tablets.
125 Tinct, Zingiheres.
126 Tab. Chloroquin Phosphate (Nivaquin).
127 Tab. Hatrazan.

LIST OF PREPARED MIXTURES

1 Expectorant.
2 Alkaline
3 Antacid.
4 Carminative
5 Anti-Asthmatite
6 Bismuth-Kaoline.
7 Diaphorlatic.

9 Sodium Salicylate.
9 Potassium Iodide
10 Potassium Citrate.
11 Alba

PREPARED OINTMENTS

1 Enteroquinol.
2 Salicitic Acid.
3 Boric Acid
4 Zinc Oxide

PREPARED LOTION

1 Eye drop
2 Ear drop
3 Calamin lotion
4 Gention violet
5 Mercurochrome
6 Nasal drops
7 Liniment turpentine"

NOTE :—The actual quantities of the above mentioned items to be stocked shall be such as are found necessary in the light of day to day working of the dispensaries provided that provision for drugs shall be made at each dispensary at least at the rate of 50 paise per annum per worker attached to the dispensary.

B—DRESSING

NUMBER

		250 workers or below	251-1000 workers
1	Bandage, roller 15 cm.	6	6
2	Bandage roller 10 cm.	6	6
3	Bandage, roller 8 cm.	6	6
4	Bandages Triangular	6	6
5	Cotton wool	450 gms.	450 gms.
6	Guage meter each	6	12
7	Lint	100 gms.	100 gms.
8	Plaster of paris bandaged 10 cm	...	6
9	Plaster of paris bandage 8 cm	—	6
10	Strapping adhesive 12 roller	1	1
11	Strapping adhesive 2 roller	1	1
12	Strapping adhesive 3 roller	1	1
13	Burn Dressing	6	12

C—MEDICAL AND SURGICAL EQUIPMENTS

		250 workers or below	250-1000 workers
		1	2
1	Basin 35 cm.	1	1
2	Bowls E 3.5 cm.	1	1
3	Bowls E. 4.5 cm.	1	1
4	Catherer rubber (size 8 & 10)	2	2
5	Cup feeding	1	2
6	Douche can with fittings	...	1
7	Drums dressing	1	1
8	Examination lamp	1	1
9	Forceps artery	2	2
10	Forceps Choatle	1	1
11	Forceps Disecting toothade	...	1
12	Forceps Disecting plain	1	1
13	Hammer peroussion	1	1
14	Jug measures	1	1
15	Lancet vaccination	...	1
16	Mirror Forehead	...	1
17	Needle aneuryem	...	1
18	Needle suture assorted	6	6
19	Probe	1	2
20	Razor Safety	1	1
21	Rogers cholera apparatus or apparatus intravenous	1	1
22	Stethoscope	1	1
23	Syringes 2 co.	1	1
24	Syringes 10 c.c.	1	1
25	Syringes 20 c.c. or above	...	1
26	Spygmonanometer	...	1
27	Speculum Nasal	1	1
28	Speculum Aural	1 set	1 set
29	Stove primus	1	1
30	Scaples	1	2
31	Skinner's mask	...	1
32	Stretcher	1	1
33	Syringes ear	...	1
34	Spud eye	...	1
35	Splint leg Thomas (medium)	...	1
36	Splinting wire crammer	...	1
37	Scissors straight Mayo	...	1
38	Scissors straight both ends sharp	...	1

		1	1
39	Streliser instrument portable	...	1
40	Thermometers	1	2
41	Tongue depressor	1	1
42	Tape measure	1	1
43	Test type chart	1	1
44	Tray dressing	1	2
45	Tray kidney	1	2
46	Tourniquet	1	1
47	Uaoine.	1	1
48	Weighing machine	1	1
49	Water proof sheets of 2 metres	1	1
50	Autoclave	1	1
51	Stomach tube	1	1
52	Mouth gag	1	1
53	Cat gut (assorted numbers)	6 tubes	12 tubes
54	Silk work gut or nylon thread	5 metres	6 metres
55	Sets of wooden splints (4', 3', 1', 6')	1 set	2 sets
56	Lifter	1	1
57	Enamel bucket	1	1
58	Stainless steel Cekchi 12" with cover	1	2
59	Wooden board 7' × 1/2× 1"	1	1
60	Torch with spare cells	1.	1
61	Stretcher	2	2
62	Eye Cups	1	1
63	Refrigerator	1	1
64	Microscope	1	1

SCHEDULE-III.

STANDARD OF HOSPITAL SERVICES.

50 Bed-Hospital

I. DISTRIBUTION OF BEDS.

(i) Medicine	25
(ii) Surgery	15
(iii) Obstetrics and Gynaecology	10

II. PROVISION OF SPECIALITIES.

Being a small hospital having only 50 beds it need not be burdened with all specialities and should confine its activities to basic requirement. The following basic specialities need only be provided, namely, Medicine, Surgery and Obstetrics and Gynaecology. Orthopaedic cases may normally be seen by General Surgeon and similarly pediatrics cases may normaly be seen by Medical Specialist. To meet the needs of the beneficiaries in other specialities, arrangements should be made to refer cases to nearest Government Hospital and arrangement of the transport of such patient should be made.

III. PROVISION OF OTHER FACILITIES.

1 Casualty
2 Laboratory
3 X-Ray
4 One Operation Theatre
5 One Labour Room (Near the Gynas. Ward)
6 E. C. G.
7 Central Sterlisation
8 Kitchen
9 Central Stores
10 Recreation facilities for patients.
11 Small incinerator
12 Dhobi Ghat/Local arrangement for washing, if possible.
13 Mortuary

V. REQUIREMENT OF SPECIALISTS, MEDICAL AND OTHER STAFF.

(i) SPECIALISTS

(1) Medicine	1
(2) Surgery	1
(3) Obstetrics & Gynaecology	1

Normally Senior most Specialist should hold the charge of Medical Superintendent in addition to his own duties.

(ii) MEDICAL OFFICERS

General duty medical Officers for various departments.	6

(iii) ADMINISTRATION

1 Cashier
2 U. D. C.
3 L. D. C.

(iv) PARA MEDICAL/NURSING STAFF

1 Asstt. Matron	1
2 Sister Incharge	2
3 Staff Nurses	13
(i) for Wards	10
(ii) for O.T./O P.D./Labour Rooms/ Home Sister and reliefs	

4	Lab. Technician	1	
5	Radiographer	1	
6	Pharmacist	2	(one for store)
7	Steward	1	
8	O T. Assistant	1	
9	Messenger	1	(included in total strength of Class IV Staff)

(V) OTHER STAFF

1	Cook	1
2	Cook Mate	1
3	Class IV (including Chowkidar and Messengers)	30
4	Part-time	
	Barber	1
	Tailor	1

100 BED-HOSPITAL

I DISTRIBUTION OF BEDS

(i)	Medicine	30
(ii)	Surgery	15
(iii)	Obstetric & Gynaecology	16
(iv)	Pediatrics	15
(v)	Orthopaedic	10
(vi)	Pooled beds for other specialities	14

II PROVISION OF SPECIALITIES

The following specialities may be provided :—

(i) Medicine
(ii) Surgery
(iii) Obstetric & Gynaecology
(iv) Orthopaedic
(v) Anaesthesia.

As no Specialist in Pediatrics is proposed, these cases will be seen by Specialist in Medicine. To meet the needs of the beneficiaries in other specialities, arrangements should be made to refer cases to nearest Government Hospital and arrangement of transport of such patient should be made.

III PROVISION OF OTHER FACILITIES

1 Casualty
2 Laboratory
3 X-Ray
4 Two operation Theatres (One Septic and one aseptic)
5 One Labour Room
6 E.C.G.

7 Central Sterilisation
8 Physiotherapy
9 Kitchen
10 Central Stores
11 Recreation facilities for patients
12 Small incinerator
13 Dhobi Gha /Local Arrangement for washing, if possible
14 Medical Records Section
15 Mortuary

IV REQUIREMENTS OF SPECIALIST, MEDICAL AND OTHER STAFF

(i) SPECIALISTS

1	Medicine	1
2	Surgery	1
3	Obst. and Gynaecology	1
4	Orthopaedic	1
5	Aneasthesia	1

Normally the Senior-most Specialist should hold the charge of Medical Superintendent in addition to his own duties.

(ii) JUNIOR SPECIALISTS

1 Pathology
2 Radiology

(iii) MEDICAL OFFICERS

1 General Duty Medical Officers

(iv) ADMINISTRATION

1	Office Superintendent/Lay Secretary (Non-Medical non-Gazetted)	1
2	Head Clerk	1
3	Cashier	1
4	Stenographer	1
5	U D.C	2
6	L D C. including Registration-1	4
7	Messengers	2 (included in the total strength of Class IV Staff.).

(v) PARA-MEDICAL/NURSING STAFF

1	Matron	
2	Sister-Incharge	
	Wards	4
	O.T /Labour room and O.P.D.	2
3	Staff Nurses	
	Wards	20

O T Labour room and O.P.D.
Reliefs

4	Steward	1
5	Lab. Technician/Blood Bank Technician	4
6	Senior Radiographer	1
7	Junior Radiographer	2
8	E C.G Technician	1
9	Physiotherapist/Occupational therapist	1
10	Pharmacist	4
11	Linen-Keepar	1

(vi) OTHER STAFF

1	Cook	2
2	Cook Mates	3
3	Driver ambulance Van	As per yardstick of ambulances.
4	Class IV including Chowkidar and Messengers	55

(vii) PART TIME—

Carpenter	1	
Tinsmith-cum-Plumber	1	
Electrician	1	
Tailor	2	
Barber	1	As required.

150 BED HOSPITAL

I. DISTRIBUTION OF BEDS.—

(i)	Medicine	50
(ii)	Surgery	35
(iii)	Obstetric & Gynaecology	20
(iv)	Padiatrics	15
(v)	Orthopaedic	12
(vi)	Casualty	4
(vii)	Pooled beds for other Specialities	14

II. PROVISION OF SPECIALITIES —

The following Specialities may be provided :

(i) Medicine
(ii) Surgery
(iii) Obstetric and Gynaecology
(iv) Orthopaedics
(v) Anaesthesia.

To meet the needs of other Specialities, arrangements should be made with other Government hospitals except in specialities where part-time specialists are available.

III. PROVISION OF OTHER FACILITIES.—

1 Casualty
2 Laboratory
3 X-RAY
4 Two operation Theatres (One septic and One aseptic)
5 One Labour Room
6 E.C.G.
7 Central Sterilisation
8 Physiotherapy
9 Kitchen
10 Central Store
11 Recreation facilities for patients
12 Small incinerator
13 Dhobi Ghat/Local arrangement for washing, if possible.
14 Medical Record Section
15 Mortuary

IV. REQUIREMENT OF SPECIALIST, MEDICAL AND OTHER STAFF.

(i) SPECIALISTS.—

1	Medicine	1
2	Surgery	1
3	Obstetric and Gynaecology	1
4	Orthopaedic	1
5	Anaesthesia	1

Normally the seniormost Specialist should hold the charge of Medical Superintendent in addition to his own duties.

(ii) JUNIOR SPECIALISTS

1 Radiology
2 Pathology

(iii) PART-TIME SPECIALIST

1	Eye	1
2	E. N. T.	1
3	Skin and S. T. diseases........................	1
4	Chest diseases	1
5	Dental	1
6	Psychiatry	1

(iv) MEDICAL OFFICERS

General Duty
Medical Officers

(v) ADMINISTRATION

1 Office Supdt./Lay Secretary
(Non-medical/non-gazeted)

2	Head Clerk	1	
3	Cashier	1	
4	Stenographer	1	
5	U. D. C.	3	
6	L. D. C.	9	
(i)	General Officer	6	
(ii)	Radiology/Pathology	1	
(iii)	Registration Booth	2	
7	Medical Records Clerk	1	
8	Messengers	3	(included in the total strength of class IV staff)

(vi) PARA-MEDICAL/NURSING STAFF

1	Matron	1
2	Dietician	1
3	Sister-Incharge	10
4	Wards	6
	O T./Labour Room and OPD	4
4	Staff Nurses	38
	Wards	30
	O T. Labour room	7
	OPD & Relief Blood Bank	1
5	Lab. Technician	3
6	Lab. Assistant	3
7	Blood Bank Technician	1
8	Senior Radiographer	1
9	Junior Radiographer	2
10	E.C.G. Technician	1
11	Lab. Assistant for Blood Bank	1
12	O.T. Technician	1
13	C.S.R. Technician	1
14	C S.R. Assistant	1
15	Physiotherapist/Occupational Therapist	1
16	Pharmist	4
17	Linen Keeper	1

(vii) OTHER STAFF

1	Cook	2
2	Cook Mate	3
3	Driver ambulance van	As per yardstick for ambulances.
4	Class IV (Including chowkidar Messengers)	75
5	Part Time	
	Carpenter	1
	Tinsmith-cum-Plumber	1

Electrician	1
Tailor	2
Barber	2

200 BED HOSPITAL

I. DISTRIBUTION OF BEDS

(i) Medicine	65
(ii) Surgery	45
(iii) Obstetric and Gynaecology	30
(iv) Padiatrics	20
(v) Ortropaedics	15
(vi) E.N.T.	10
(vii) Eye	10
(viii) Casualty	5

II. PROVISION OF SPECIALITIES

The following specialities may be provided:

(i) Medicine
(ii) Surgery
(iii) Obstetrics and Gynaecology
(iv) Padiatrics
(v) Orthopaedics
(vi) Anasthesia
(vii) Radiology
(viii) Pathology

III. PROVISION OF OTHER FACILITIES

1. Casualty
2. Laboratory
3. X-Ray
4. Two Operation theatres (One Septic and One aseptic)
5. One Labour Room
6. E.C.G.
7. Central Sterilisation
8. Physiotherap
9. Kitchen
10. Central Stores
11. Recreation facilities for patients
12. Small incinerator
13. Dhobi Ghat/Local arrangement for washing, if possible
14. Medical Records Section
15. Mortuary.

IV. REQUIREMENT OF SPECIALISTS MEDICAL AND OTHER STAFF

(i) SPECIALISTS

1. Medicine
2. Surgery

3.	Obstetics and Gynaecology	1
4.	Paediatrics	1
5.	Orthopaedics	1
6.	Anaesthesia	1
7.	Radiology	1
8.	Pathology	1

Normally the seniormost Specialist should hold the charge of Medical Superintendent in addition to his own duties.

(ii) JUNIOR SPECIALISTS

1.	Medicine	1
2.	Surgery	1
3.	Obst. & Gynaecology	1

(iii) PART TIME SPECIALIST

1. Eye
2. E.N.T.
3. Skin & S.T. diseases
4. Chest
5. Dental
6. Psychiatry

(iv) MEDICAL OFFICERS

General Duty Medical Officer for various Departments including Junior Specialists	14

Discretion of appointing Junior Specialist in Medicine, Surgery and Obst. & Gynaecology may vest with the authorities.

(v) ADMINISTRATION

1.	Asstt. Medical Supdt./Lay Secretary (Gazetted) (Preferably trained in Hospital Admn).	1	
2.	Office Superintendent (Non-Gazetted)	1	
3.	Head Clerk	1	
4.	Cashier	1	
5.	Stenographer	1	
6.	U.D.C.	3	
7.	L.D.C.	9	
	(i) Gen. Office	6	
	(ii) Pathology/Radiology	1	
	(iii) Registration	2	
8.	Medical Records Clerk	1	
9.	Messenger	4	(included in total strength of Class IV Staff)

(vi) PARA-MEDICAL/NURSING STAFF.

1.	Matron	1
2.	Dietician	1
3	Sister-Incharge	12
	(i) Wards	8
	(ii) O T./Labour Room and O.P.D.	4
4.	Staff Nurses	48
	(i) Wards	40
	(ii) O.T., Labour Room, OPD & Relief	7
	(iii) Blood Bank	1
5.	Laboratory Technician	4
6.	Laboratory Assistant	2
7.	Blood Bank Technician	1
8.	Lab. Asstt. for Blood Bank	1
9.	Sr. Radiographer	1
10.	Jr. Radiographer	3
11.	E.C.G. Technician	2
12.	O.T. Technician	1
13.	C.S.R. Technician	1
14.	C.S.R. Assistant	1
15.	Physiotherapist/Occupational therapist	1
16.	Pharmacist	5
17.	Linen-Keeper	1

(vii) OTHER STAFF

1.	Cook	3	
2.	Cook Mates	4	
3.	Driver ambulance Van Cleaner-cum-stratcher bearer		As per yardstick for ambulances.
4.	Class IV Staff (including Cowkidar and messengers).	109	
5.	Part Time		
	Carpenter	1	
	Tinsmith-Cum-Plumber	1	
	Electrician	2	
	Tailor	2	
	Barber	2	
	Gardener	1	

250 BED HOSPITAL

I. DISTRIBUTION OF BEDS

(i)	Medicine	75
(ii)	Surgery	58
(iii)	Obstetric & Gynaecology	40

(iv) Paediatrics	25
(v) Orthopaedics	20
(vi) E.N.T.	12
(vii) Eye	12
(viii) Casualty	-

II. PROVISION OF SPECIALITIES

The following specialities may be provided:

(i) Medicine
(ii) Surgery
(iii) Obstetrics & Gynaecology
(iv) Padiatrics,
(v) Orthopaedics.
(vi) Aaesthesia,
(vii) Radiology,
(viii) Pathology.

III. PROVISION OF OTHER FACILITIES

1. Casualty
2. Laboratory
3. X-Ray
4. Three Operation Theatres (one aseptic and one septic and one obstt. Gynae.)
5. One Labour Room
6. E.C.G,
7. Central Sterilisation
8. Physiotherapy/Occupational Therapy
9. Kitchen
10. Central Stores
11. Recreation facilities fo patients
12. Small incinerator
13. Dhobi Ghat, Local arrangement for washing, if possible
14. Medical Records Section
15. Mortuary

IV. REQUIREMENT OF SPECIALISTS, MEDICAL AND OTHER STAFF

(i) SPECIALISTS

1. Medicine
2. Surgery
3. Obst. & Gynaeology
4. Paediatrics
5. Orthopaedics
6. Aaesthasia
7. Radiology
8. Pathology

Normally the senior-most Specialist should hold the charge of Medical Superintendent in addition to his own duties.

(ii) JUNIOR SPECIALISTS

1.	Medicine	1
2.	Surgery	1
3.	Obst. & Gynaecology	1

(iii) PART-TIME SPECIALISTS

1.	Eye	1
2.	E N T.	1
3.	Skin & S.T. diseases	1
4.	Chest diseases	1
5.	Dental	1
6.	Psychiatry	1

(iv) MEDICAL OFFICERS

General Duty Medical Officers for various Departments including Junior Specialists	17

Discretion of appointing Junior Specialist in Medicine Surgery and Obst. & Gynaecology may vest with the authorities.

(v) ADMINISTRATION

1.	Asstt. Medical Supdt./Lay Secretary, Gazetted (Preferably trained in Hospital Administration)	1	
2.	Office Superintendent (Non-Gazetted)	1	
3.	Head Clerk	1	
4.	Cashier	1	
5.	Stenographer	1	
6.	U.D.C	3	
7.	L.D.C.	12	
	(i) Genl. Office	8	
	(ii) Radiology	1	
	(iii) Pathology	1	
	(iv) Registration	2	
8.	Medical Records Clerk	1	
9.	Messengers	4	(included in total strength of Class IV Staff)

(iv) PARA-MEDICAL/NURSING STAFF

1.	Matron	1
2.	Dietician	1
3.	Sister Incharge	14
	(i) Wards	10
	(ii) O.T./Labour Room and OPD	4

Normally the senior-most Specialist should hold the charge of Medical Superintendent in addition to his own duties.

(ii) JUNIOR SPECIALISTS

1. Medicine
2. Surgery
3. Obst. & Gynaecology

(iii) PART-TIME SPECIALISTS

1.	Eye	1
2.	E N T.	1
3.	Skin & S.T. diseases	1
4.	Chest diseases	1
5.	Dental	1
6.	Psychiatry	1

(iv) MEDICAL OFFICERS

General Duty Medical Officers for various Departments including Junior Specialists	17

Discretion of appointing Junior Specialist in Medicine Surgery and Obst. & Gynaecology may vest with the authorities.

(v) ADMINISTRATION

1.	Asstt. Medical Supdt./Lay Secretary, Gazetted (Preferably trained in Hospital Administration)	1	
2.	Office Superintendent (Non-Gazetted)	1	
3.	Head Clerk	1	
4.	Cashier	1	
5.	Stenographer	1	
6.	U.D.C	3	
7.	L.D.C.	12	
	(i) Genl. Office	8	
	(ii) Radiology	1	
	(iii) Pathology	1	
	(iv) Registration	2	
8.	Medical Records Clerk	1	
9.	Messengers	4	(included in total strength of Class IV Staff)

(iv) PARA-MEDICAL/NURSING STAFF

1.	Matron	1
2.	Dietician	1
3.	Sister Incharge	14
	(i) Wards	10
	(ii) O.T./Labour Room and OPD	4

4.	Staff Nurse	58
	(i) Wards	50
	(ii) O.T., Labour Room, O.P.D. & Relief	7
	(iii) Blood Bank	1
5.	Lab. Technician	3
6.	Lab. Assistant	4
7.	Blood Bank Technician	1
8.	Lab. Assistant for Blood Bank	1
9.	Senior Radiographer	1
10.	Junior Radiographer	3
11.	E.C.G. Technician	2
12.	O.T. Technician	1
13.	O.T. Assistant	1
14.	C.S.R. Technician	1
15.	C.S.R. Assistant	1
16.	Physiotherapist	1
17.	Occupational Therapist	1
18.	Pharmacist	6
19.	Linen Keeper	1

(vii) OTHER STAFF

1.	Office Mukadam (Supervisor for attendants)		
2.	Cook		
3.	Cook Mates		
4.	Driver, ambulance van Cleaner-cum-stretcher bearer		As per yardstick for ambulances
5.	Class IV staff (including Chowkidar and Messengers)	125	

6. PART-TIME.

Carpenter	1
Tinsmith-*cum*-plumber	1
Electrician	1
Tailors	2
Barbers	2
Gardener	1

I. DISTRIBUTION OF BEDS.

		300 Beds Hospital
(i)	Medicine	80
(ii)	Surgery	80
(iii)	Obstetrics & Gynaecology	40
(iv)	Pediatrics	30
(v)	Orthopaedics	25
(vi)	E. N. T.	18
(vii)	Eye	17
(viii)	Casualty	10

II. PROVISION OF SPECIALITIES

The following specialities may be provided :

(i) Medicine
(ii) Surgery
(iii) Obstetrics & Gynaecoloy
(iv) Pediatrics
(v) Orthopaedic
(vi) E. N. T.
(vii) Eye
(viii) Anaesthesia
(ix) Radiology
(x) Pathology

III. PROVISION OF OTHER FACILITIES

1. Casualty
2. Laboratory
3. X-Ray
4. Operation Theatres (One twin for a septic/one twin for septic Surgery and One for Obst. and Gynae)
5. One Labour Room (Near the Gynae. Ward)
6. E. C. G.
7. Central Sterilisation
8. Physiotheraphy/Occupational Therapy
9. Kitchen
10. Central Stores
11. Recreation facilities for patients
12. Nurses Hostel
13. Incinerator
14. Dhobi Ghat with Electric Irons & space for drying.
15. Medical Record Section.
16. Mortuary

IV. REQUIREMENT OF SPECIALISTS, MEDICAL AND OTHER STAFF

(i) Medical Superintendent 1

The Medical Superintendent should be purely administrative preferably with post graduate qualification in hospital administration.

(ii) SPECIALISTS

1	Medicine	2
2	Surgery	2
3	Obst. & Gynaecology	1
4	Pediatrics	1
5	Orthopaedic	1
6	Eye	1
7	E.N T.	1

8	Anaesthesia	1
9	Radiology	1
10	Pathology	1
(iii)	JUNIOR SPECIALISTS	
	Bio-Chemist (Non-Medical)	
(iv)	PART-TIME SPECIALISTS	
	Skin & S.T. Diseases	1
	Dental	1
	Psychiatry	1
(v)	Medical Officers	
	General Duty Medical Officers for various Departments including Jr. Specialist.	20

Note :—Whenever the Hospital is recognised for House jobs provision may be made allowing appointment of 2 house Surgeons against one post of General Duty Officer, Similarly, Registers may count against equal number of posts of G.D.O.

(vi)	ADMINISTRATION		
1	Medical Superintendent	1	
2	Office Superintenden/Lay Secretary (Non Medical, Non-Gazetted)	1	
3	P.A. for Med. Suptd.	1	
4	Head Clerk	3	
5	Cashier	1	
6	Stenographer	2	
7	U.D.C.	6	
8	L.D.C. including	5	
	Radiology	1	
	Pathology	1	
	Registration & Record	3	
9	Medical Record Clerk	1	
10	Messengers	4	(Including in the total Strength of Class IV Staff)
(vii)	PARA MEDICAL NURSING STAFF		
1	Matron	1	
2	Asstt. Matron	1	
3	Dietician	1	
4	Sister incharge	17	
	(i) Wards	12	
	(ii) O.T.	2	
	(iii) Labour room	1	

	(iv) C S.D.	1
	(v) O.P.D.	1
5	Staff Nurses	81
	(i) Wards	60
	(ii) O.T.	10
	(iii) Labour room	4
	(iv) C S.D. Deptt.	3
	(v) O P.D.	3
	(vi) Blood Bank	1
6	Laboratory Technician	5
7	Laboratory Assistant	4
8	X-Ray Tech. Selection Grade Radiographer	1
9	Sr Radiographer	2
10	Jr. Radiographer	4
11	E.C.G. Technician	2
12	Blood Bank Technician	2
13	O. T. Technician	2
14	O. T. Assistant	3
15	C. S. D. Technician	1
16	C. S D Assistant	3
17	Physiotherapist	1
18	Occupational Therapist	1
19	Chief Pharmacist	1
20	Pharmacist	6
21	Linen Keeper	2
viii)	OTHER STAFF	
1	Office Mukadam (Supervisor for attendents)	1
2	Jamadar (Supervisor for Sweepers)	1
3	Head Cook	1
4	Cooks	5
5	Cook Mates	9
6	Dhobi	5
7	Driver ambulance van	As per yardstick of ambulance.
8	Class IV Staff including Chowkidar & Messengers	150
9	PART TIME	
	Gardener	as required
	Carpenter	1
	Tinsmith-cum-plumber	1
	Tailor	2
	Barber	as required
	Electrician	1

Cook Attendant, Sweeper and Chowkidar for Nurses Hostel are not included in this list. The same are indicated in Annexure 'AA'.

400 BED HOSPITAL

I. DISTRIBUTION OF BEDS

(i) Medicine	110
(ii) Surgery	90
(iii) Obst. & Gynaecology	70
(iv) Paediatrics	40
(v) Orthopaedics	35
(vi) E.N.T.	20
(vii) Eye	20
(viii) Casualty	10
(ix) Intensive care Unit	5

II. PROVISION OF SPECIALITIES

The following specialities may be provided-:

(i) Medicine
(ii) Surgery
(iii) Obst. & Gynaecology
(iv) Paediatrics
(v) Orthopaedics
(vi) E.N.T.
(vii) Eye
(viii) Anaesthesia
(ix) Radiology
(x) Pathology

III. PROVISION OF OTHER FACILITIES

1 Casually
2 Intensive Care
3 Blood Bank
4 Laboratory
5 X-Ray
6 Five Operation Theatres (One twin for a septic One twin for septic and One for Obst & Gynas. etc.)
7 One Labour Room (Near the Gynas, ward)
8 E.C G.
9 Central Sterilisation
10 Physiotherapy/Occupational therapy
11 Kitchen
12 Central Stores
13 Recreation facilities for patients
14 Nurses Hostel
15 Incinerator
16 Steam Laundry
17 Medical Records

18 Library
19 Mortuary

IV. REQUIREMENT OF SPECIALISTS, MEDICAL AND OTHER STAFF

(i) Medical Superintendent

Medical Superintendent should be purely administrative preferably with post graduate qualification in Hospital administration.

(ii) SPECIALISTS

1 Medicine
2 Surgery
3 Obstetrics & Gyns.
4 Paediatrics
5 Orthopaedics
6 E.N.T.
7 Eye
8 Anaesthesis
9 Radiology
10 Pathology

(iii) JUNIOR SPECIALISTS

1 Bio-chemist (non-medical)
2 Jr. Microbiologist
3 Blood Bank Officer

(iv) PART TIME SPECIALISTS

Skin & S.T. Diseases
Chest diseases
Dental
Psychiatry

(v) MEDICAL OFFICER

1	Central Duty Medical Officers	27
2	Intentive Care Unit	3
		30

Note :—Whenever the hospital is recognised for house jobs, provision may be made allowing appointment of 2 House Surgeons against one post of General Duty Medical Officer. Similarly Registrars may count against equal number of posts of General Duty Medical Officer.

(vi) ADMINISTRATION

1 Medical Superintendent
2 Administrative Officer
3 Office Supdt. (non-medical, non-Gazetted)

4	P.A. to Medical Superintendent		1	
5.	Head Clerk		3	
6.	Cashier		1	
7.	Stenogrpher		1	
8.	U.D.C.		6	
9.	L.D.C. including		19	
	Radiology	—1		
	Pathology	—1		
	Registration	—3		
10.	Medical Record Clerks		2	
11.	Messengers		5	(including in the total strength of Class IV staff)

(vii) PARA-MEDICAL/NURSING STAFF

1.	Matron		1
2.	Asst. Matron		1
3.	Dietician		1
4.	Sister Incharge		23
	Wards	16	
	O.T.	— 3	
	Labour Room	— 2	
	C.S.D.	— 1	
	O.P.D.	— 1	
5.	Staff Nurses		113
	(i) Wards	—84	
	(ii) O.T.	—15	
	(iii) Labour Room	— 4	
	(iv) OPD/Blood Bank/CSD etc.	—10	
6.	Laboratory Technician		6
7.	Laboratory Assistant		6
8.	X-Ray Tech./Selection Grade Radiographer		1
9.	Senior Radiographer		2
10.	Junior Radiographer		5
11.	E.C.G. Technician		2
12.	Blood Bank Technician		2
13.	Lab. Asstt. for Blood Bank		2
14.	O.T. Technician		4
15.	O.T. Assistant		6
16.	C.S.D. Technician		1
17.	C.S.D. Assistant		4
18.	Physiotherapist		1
19.	Occupational therapist		1
20.	Chief Pharmacist		1
21.	Pharmacist		8
22.	Linen keeper		2

(viii) OTHER STAFF

1.	Office Mukadam (Supervisor for attendants)	
2.	Jamadar (Supervisor for Sweepers)	1
3.	Head Cook	1
4.	Cooks	8
5.	Cook Mates	10
6.	Laundry Supervisor	1
7.	Boiler Attendant	1
8.	Laundry Operators	10
9.	Driver, ambulance van Cleaner-cum-stretcher bearer	As per yard stick of ambulances
10.	Class- IV Staff including Chowkidar and Massengers	200

Cooks, Attendants and Sweepers for Nurses Hostel are not included in this list. The same are indicated in Annexure 'AA'.

II PART-TIME

Carpenter	1
Tinsmith-cum-plumber	2
Tailors	2
Barbers	2
Electrician	2
Gardener	as required.

500 BED HOSPITAL

I. DISTRIBUTION OF BEDS

(i)	Medicine	130
(ii)	Surgery	120
(iii)	Obst. & Gynaecology	90
(iv)	Padiatrics	50
(v)	Orthopaedics	44
(vi)	E N.T.	25
(vii)	Eye	25
(viii)	Casualty	10
(ix)	Intensive Care Unit	6

II. PROVISION OF SPECIALITIES

The following specialities may be provided :

(i) Medicine
(ii) Surgery
(iii) Obst. & Gynaecology
(iv) Padiatrics
(v) Orthopaedics
(vi) E.N.T.

(vii) Eye
(viii) Anaesthesia
(ix) Radiology
(x) Pathology
(xi) Skin & S.T. diseases
(xii) Chest diseases
(xiii) Dental
(xiv) Psychiatry

III. PROVISION OF OTHER FACILITIES

1. Casualty
2. Intensive Care
3. Blood Bank
4. Laboratory
5. X-Ray
6. Six Operation Theatres (Two twin for aseptic, one for septic and one for Obst. & Gynac. etc.)
7. Two Labour Rooms (near the Gynac. ward Septic & aseptic)
8. E.C.G.
9. Central Sterilisation
10. Physiotherapy/Occupational therapy
11. Kitchen
12. Central Stores
13. Recreational facilities for patients,
14. Nurses Hostel
15. Incinerator
16. Steam Laundry
17. Medical Records Section
18. Library
19. P. B. X.
20. Mortuary

IV. REQUIREMENT OF SPECIALISTS, MEDICAL AND OTHER STAFF

(i) Medical Superintendent
(ii) Dy. Medical Superintendent

Medical Superintendent and Dy. Medical Superintendent should be purely administrative preferably with post graduate qualification in hospital administration.

(ii) SPECIALISTS

1. Medicine
2. Surgery
3. Obstatric & Gynac.

4.	Padiatrics		1
5.	Orthopaedics		1
6.	E. N. T.		1
7.	Eye		1
8.	Anaesthesia		1
9.	Radiology		1
10.	Psythology		1
11.	Skin & S. T. diseases		1
12.	Chest diseases		1
13.	Dental		1
14.	Psychistry		1

(iv) JUNIOR SPECIALISTS

1.	Biochemist (non-medical)	1
2.	Jr. Microbiologist	1
3.	Blood Bank Officer	1
4.	Anaesthetist	1
5.	Radiologist	1

(v) MEDICAL OFFICERS

1.	General Duty Medical Officers	34
2.	Intensive Care Unit	3
		37

NOTE:—Whenever the hospital is recognised for house jobs, provision may be made allowing appointment of 2 House Surgeons against one post of General Duty Medical Officers. Similarly, Registrars may count against equal number of posts of General Duty Medical Officers.

(vi) ADMINISTRATION

1.	Medical Superintendent		1
2.	Dy. Medical Superintendent		1
3.	Administrative Officer		1
4.	Office Superintendent (Non-medical, non-gazetted)		1
5.	P A. to Medical Supdt.		1
6.	Head Clerk		3
7.	Cashier		1
8.	Stenographer		2
9.	U.D.C.		7
10.	L.D.C including Radiology		20
	Radiology	—1	
	Pathology	—1	
	Registration	—3	
11.	Telephone operators		3
12.	Medical Record Clerk		3
13.	Messengers		6 (included in the total strength of class IV staff)

(vii) PARA-MEDICAL/NURSING STAFF

1.	Matron		1
2.	Asstt. Matron		2
3.	Dietician		1
4.	Asstt. Dietician		1
5.	Sister Incharge		27
	(i) Wards	—20	
	(ii) O.T.	—3	
	(iii) Labour Room	—2	
	(iv) C.S D.	—1	
	(v) O.P.D.	—1	
6.	Staff Nurses		136
	(i) Wards	—104	
	(ii) O.T.	—18	
	(iii) Labour Room	—4	
	(iv) O P.D./Blood Bank/ C.S.D./Relief	—10	
7.	Technical Assistant		
	(i) Biochemistry	—1	
	(ii) Clinical Pathology	—1	
	(iii) Microbiology	—1	
8.	Laboratory Technician		7
9.	Laboratory Assistant		7
10.	X-Ray, Tech./Selection Grade Radiographer		1
11.	Sr. Radiographer		2
12.	Jr. Radiographer		6
13.	E.C.G. Technical		3
14.	Blood Bank Technical		2
15.	Lab. Asstt. for Blood Bank		2
16.	O. T. Technician		5
17.	O. T. Assistant		7
18.	C. S. D. Technician		1
19.	C. S. D. Assistant		5
20.	Physiotherapist		1
21.	Occupational therapist		1
22.	Chief Pharmacist		1
23.	Pharmacist		9
24.	Linen Keeper		2

(viii) OTHER STAFF

1.	Office Mukadam (Supervisor for attendants)	1
2.	Jamadar (Supervisor for Sweeper)	1
3.	Head Cook	1
4.	Cooks	10
5.	Cook Mates	12

6.	Launy Supervisor	1
7.	Boilor Attendant	1
8.	Laundry Operators	10
9.	Driver, ambulance van cleaner-cum-stretcher bearer	As per yard stick of ambulance

10 Class IV staff including 250 Chowkidar and Messengers.

Cooks, Attendants and Sweepers for Nurses Hostel are not included in this List. The same are indicated in Annexure 'AA'.

11. PART-TIME

Carpenter	1
Tinsmith-cum-Plumber	2
Tailors	2
Barbers	2
Electrician	2
Gardeners	As required

600 BED HOSPITAL

I. DISTRIBUTION OF BEDS

(i)	Medicines	180
(ii)	Surgery	134
(iii)	Obst. and Gynaecology	100
(iv)	Pediatrics	60
(v)	Orthopaedics	50
(vi)	E. N. T.	30
(vii)	Eye	30
(viii)	Casualty	10
(ix)	Intensive Care unit	6

II. PROVISION OF SPECIALITIES

The following specialities may be provided;

(i) Medicine
(ii) Surgery
(iii) Obst and Gynaecology
(iv) Padiatrics
(v) Orthopaedics
(vi) E. N. T.
(vii) Eye
(viii) Anaesthesia
(ix) Radiology
(x) Pathology
(xi) Skin and S. T. diseases
(xii) Chest diseases
(xiii) Dental
(xiv) Psychiatry

III, PROVISION OF OTHER FACILITIES

1 Casualty
2 Intensive care
3 Blood Bank
4 Laboratory
4 X-Ray
6 Six Operation Theatres (Two twin for asceptic, one for secptic and one for Obts. and Gynae. etc.) (Near the Gynac. ward) Septic and asceptic
7 Two Labour Room
8 E. C. G.
9 Central Sterlisation
10 Physiotherapy/Occupational therapy
11 Kitchen
12 Central Stores
13 Recreational facilities for patients
14 Nurses Hostel
15 Incinerator
16 Steam Laundry
17 Medical Records Section
18 Library
19 P. B. X.
20 Mortuary

IV. REQUIREMENT OF SPECIALISTS, MEDICAL AND OTHER STAFF

(i) Medical Superintendent
(ii) Dy. Medical Superintendent

Medical Superintendent and Dy. Medical Superintendent should be pure administrative preferably with graduate qualification in hospital administration.

(iii) SPECIALISTS

1	Medicine	3	If necessary one may be a senior Specialist.
2	Surgery	3	
3	Obstetric and Gynaecology	2	
4	Pediatrics	1	
5	Orthopaedics	1	
6	E. N. T.	1	
7	Eye	1	
8	Anaesthesia	1	
9	Radiology	1	
10	Pathology	1	
11	Skin and S. T. diseases	1	
12	Chest diseases	1	

13	Dental	1
14	Psychiatry	1

(iv) JUNIOR SPECIALISTS

1	Biochemist (non-medical)	1
2	Junior Microbiologist	1
3	Blood Bank Officer	1
4	Anaesthetist	1
5	Radiologist	1

(v) MEDICAL OFFICER

1	General Duty Medical Officers	40
2	Intensive Care Unit	3
		43

Note:—Whenever the hospital is recognised for house jobs provision may be made allowing appointment of 2, House Surgeons against one post of General Duty Medical Officer. Similarly Registrars may count against equal number of posts of General Duty Medical Officer.

(vi) ADMINISTRATION

1	Medical Superintendent	1
2	Dy. Medical Superintendent	1
3	Administrative Officer	1
4	Office Superintendent (non-medical, non-gazetted)	1
5	P. A. to Medical Supdt.	1
6	Head Clerk	3
7	Cashier	1
8	Stenographer	2
9	U. D. C.	8
10	L. D. C. including:— (i) Radiology —1 (ii) Pathology —1 (iii) Registration —3	21
11	Telephone Operator	
12	Medical Record Clerk	
13	Messenger	(including in the total strength of Class IV staff)

(vii) PARA-MEDICAL/NURSING STAFF

1	Matron	1
2	Assistant Matron	2
3	Dietician	1
4	Assistant Dietician	1
5	Sister Incharge	32

(i)	Wards	—24	
(ii)	O. T.	—4	
(iii)	Labour Room	—2	
(iv)	C. S. D.	—1	
(v)	O. P. D.	—1	
6	Staff Nurses		156
(i)	Wards	—124	
(ii)	O. T.	—18	
(iii)	Labour Room	— 4	
(iv)	OPD/Blood Bank/CSD/ Relief	—10	
7	Technical Assistants		
(i)	Biochemistry	— 1	
(ii)	Clinical	— 1	
	pathology	— 1	
(iii)	Microbiology	— 1	
8	Laboratory Technician		7
9	Laboratory Assistant		7
10	X-Ray Techn./Section Grade Radiographer		1
11	Senior Radiographer		2
12	Junior Radiographer		7
13	E. C. G. Technician		3
14	Blood Bank Technician		2
15	Lab. Assistant for Blood Bank		2
16	O. T. Technician		6
17	O. T. Assistant		7
18	C. S. D. Technician		1
19	C. S. D. Assistant		6
20	Physiotherapist		1
21	Occupational therapist		1
22	Chief Pharmacist		1
23	Pharmacist		10
24	Linenkeeper		2

(viii) OTHER STAFF

1	Office Mukadam (Supervisor for attendants)	1
2	Jamadar (Supervisor for Sweepers)	1
3	Head Clerk	1
4	Cooks	11
5	Cook Mates	13
6	Laundry Supervisor	1
7	Moiler Attendant	1
8	Laundry Operators	10

9 Driver, ambulance van—As per yardstick of Cleaner-cum-stretcher bearers ambulances	
10 Class IV Staff including Chowkidars and Messengers	300

Cooks, Attendants, and Sweepers for Nurses Hostel are not included in this list. The same are indicated in Annexure 'AA'.

11. PART-TIME

Carpenter	1
Tinsmith-cum-plumber	2
Tailors	2
Barbers	2
Electricians	2
Gardners	As required

ANNEXURE 'AA'

STAFF FOR NURSES HOSTEL/DOCTORS HOSTEL

No. of Residents	Head Cook	Cook	Mates	Masalchi	Bears	Sweepers
Upto 25	1	...	1	1	2	1
26 to 50	1	2	1	3	4	2
51 to 75	1	3	2	4	5	3
76 to 100	1	4	3	5	6	4
101 to 125	2	4	4	6	7	5

SCHEDULE IV

STANDARD OF MATERNITY CENTRE

(*See* Rule 31)

I. BUILDING

1. Maternity Centre for a mine employing upto 1000 Workers.

(i) Consulting and office room	(5 metres × 4 metres)
(ii) Labour Room	(5 metres × 4 metres)
(iii) Annexe to the labour room for sterlizing	(3 metres × 3 metres)
(iv) Dispensary room	(5 metrer × 4 metres)
(v) Store room	(3 metres × 3 metres)
(vi) Ward for two beds	(5 metrer × 4 metres)
(vii) Bath room and latrines (flush) Two	(2 metres × 3 metres)

(viii) Annexe to the bath room for bathing babies	(2 metres × 3 metres)
(ix) Washing room	(2 metres × 3 metres)
(x) Kitchen	(2 metres × 3 meters)
(xi) Covered waiting shed	(15 square metres)

Note :—A part of the award may be screened off to provide for work room for nursing staff.

2. Maternity Centres for a mine employing upto 2000 workers :

(i) Consulting room	(5 metres × 4 metres)
(ii) Labour Room	(5 metres × 4 metres)
(iii) Annexe to the labour room for sterlizing	(3 metres × 3 metres)
(iv) Dispensary room	(5 metres × 4 metres)
(v) Work room for nursing staff for storage of medicines, maintenance and preparation of supplies and maintenance of records and raports	(5 metres × 4 metres)
(vi) Store Room	(3 metres × 3 metres)
(vii) Ward of four beds	(6 metres × 5 metres)
(viii) Bath room and latrine (two flush)	(2 metres × 3 metres)
(ix) Annexe to the bath room for bathing babies	(2 metres × 3 metres)
(x) Washing room	(2 metres × 3 metres)
(xi) Kitchen	(2 metres × 3 metres)
(xii) Laboratory room	(10 square metres)
(xiii) Covered waiting accommodation	(15 square metres)

3. Maternity Centre for a mine employing over 2000 workers :

(i) Consulting room	(5 metres × 4 metres)
(ii) Labour room	(5 metres × 4 metres)
(iii) Annexure to the labour room for sterlizing	(3 metres × 3 metres)
(iv) Dispensary room	(5 metres × 4 metres)
(v) Work room for nursing staff for storage of medicines, maintenance and preparation of supplies and maintenance of records and reports.	(5 metres × 4 metres)
(vi) Minor operation room	(5 metres × 4 metres)
(vii) Store room	(3 metres × 3 metres)
(viii) Ward for six beds	(7 meters × 6 metres)
(ix) Bath room and latrines (three-flush)	(2 metres × 3 metres)
(x) Annexe to the bath room for bathing babies	(2 metras × 3 metres

(xi)	Washing room	(2 metres × 3 metres)
(xii)	Kitchen	(2 metres × 3 metres)
(xiii)	Laboratory room	(15 square metres)
(xiv)	Covered waiting accommodation	(25 square metres)

II. STAFF

1. Maternity Centre for a mine employing 1000 workers and below :

(i)	Medical Licentiate or Graduate (Lady)	1	(Full-time)
(ii)	Lady Health Visitor	2	
(iii)	Sweeper (Female)	2	
(iv)	Compounder	1	

2. Maternity Centre for a mine employing 1001 to 2000 workers :

(i)	Medical Graduate (Lady).	1	(Full-time)
(ii)	Compounder	1	
(iii)	Lady Health Visitor	2	
(iv)	Sweepers (Female)	3	
(v)	Ayahs	2	
(vi)	Cooks	1	

3. Maternity Centre for a mine employing more than 2000 workers

(i)	Medical Graduate Lady	1	(Full-time)
(ii)	Nurse	1	
(iii)	Lady Health Visitor	3	
(iv)	Compounder	1	
(v)	Sweepers (Females)	3	
(vi)	Ayahs	3	
(vii)	Cook	1	

III. List of drugs, surgical equipment, dressings etc. for maternity Centres

A. DRUGS

1 Acid Acetic
2 Acid Boric
3 Acid Carbolic
4 Acid Salicylic
5 Aqua Distillate
6 Ammon Carb
7 Aspirin
8 Acriflavin or other anti-septic dye
9 Benedict's solution
10 Calcium Lactate
11 Copper sulphate
12 Calamina Preparate
13 Cod Liver Oil
14 Ephedrine Hydrochlor ½ gr. tab
15 Ether

16 Esct. Glycrr. Liq.
17 Ferri sulph [illegible]
18 Ferriet Ammoni sitres
19 Glucose
20 Glycerine
21 Gym acacia
22 Hydrarg ammoniata
23 Kaoline
24 Liq. Ammon Acetate
25 Liq. Plumbi subacetas fort
26 Lysol
27 Mag. Oxide Powder or Mag Trisillicate
28 Mag. Sulph
29 Multi Vitamin tab
30 Oil Ricini
31 Oil Menth pip
32 Oil Olive or Oil of arachis
33 Paludrine tabs
34 Pheno barbitone
35 Pot. Bromide
36 Pot. Citeate
37 Pot. Iodide
38 Pot. Permanganate
39 Protargol or Argyrol
40 Pulv. Ipecas Co. F
41 Pulv. Quinine sulph
42 Sodi Bicarb
43 Sodi salicylate
44 Spt. Ammon Aromat
45 Spt. Methyl
46 Spt. Methyl Rect
47 Sulphan lamide or sulphadiazine tablets
48 Sulphaguanidine
49 Sulphanilamide powder
50 Tab. digozin or Pill Digitalis Co. B.P.C.
51 Tab. Laxative Co. B.P.C.
52 Tinct. Belladonna
53 Tinct Bencin Co.
54 Tinct. Opli Camphorata
55 Tinct. Card Co.
56 Tinct. Hyoscyamus
57 Tinct. Iodine
58 Ung. Sulphuris B.P.C.
59 Vaseline
60 Vin Ipecae or tinct or liq.
61 Zinc Oxide
62 Andrenalin Hydrochloride Liquor (1:1000)

63 Coramine or Nikethmide
64 Emetine Hydrochlor (amp. or tab)
65 Gr. 1
66 Gr 1/2
67 Injection Quinine Gr. 10
68 Peracine Hydarochlor or Novocain 2% amp.
69 Serus Tatanus anti toxin 1,500 units
70 Seluseptasine or other injectable sulphamide
71 Tab. Atrophine (1/100gr.)
72 Tab. Morphine
73 Penicillin 1,00000 unit ampoules or 4,00.000 unit amps
74 Streptomycine
75 90 P.A.S.
76 Isonicotinic Acid Hydrazide
77 Ext. Ergot Liquid
78 Ersdhuli Capsules or Neogynergin Tabs
79 Lovelive ampoules
80 Introdex
81 Dextrose and sodium chloride injection U. S. P. in transfusion bottles.
82 Distilled water ampoules
83 Liquid paraffin.
84 Vinegars
85 Tetanus toxoid,

NOTE :—The actual quautities of the above mentioned items to be stocked shall be such as are found necessary in the light of the day-to-day working of the maternity centres provided that provision for drugs shall be made at each centre at least at rate of 50 paise per annum per worker attached to the maternity centre.

B. DRESSINGS

		1000 Workers or below	1001—2000 Workers
1	Bandage, roller 15 cm.	12	12
2	Bandage, roller, 10 cm.	12	12
3	Bandage. roller, 8 cm.	12	12
4	Bandage, Triangular	12	12
5	Cotton Wool	1.35 Kilogram	1.35 Kilogram
6	Gauze 1 metre each	12 metres	24 metres
7	Lint	220 grams	300 grams
8	Strapping adhesive 12 roller	2	2
9	Strapping adhesive 2 roller	2	2
10	Strapping adhesive 3 roller	2	2
18	Burn Dressing	12	12

C. MEDICAL AND SURGICAL EQUIPMENTS

		1000 workers or below	1000—2000 workers
1	Besin 35 cm.	2	4
2	Bowls E. 3.5 cm.	2	2
3	Bowls E 4.5 cm.	2	2
4	Female Catheters rubber & Metal	4	4
5	Cup feeding (size 8 and 10)	2	4
6	Douche can with fittings	1	2
7	Drums dressing	2	2
8	Examination lamp	2	2
9	Forceps artery	2	2
10	Forceps Cheatl	1	1
11	Forceps Disecting tcothod	1	1
12	Forceps Disecting plain	1	1
13	Hammer percussion	1	1
14	Jug measure	1	1
15	Lancet Vaccinations	1	1
16	Mirror Forehead	1	1
17	Needle aneurysm	1	1
18	Needle suture assorted	6	6
19	Probe	1	2
20	Razor Safetz with blades	2	4
21	Rager's cholora aparatus or apparatus intravenous	1	1
22	Vaginal retractor	1	1
23	Vaginal speculum	1	2
24	Ovam Forceps	1	2
25	Heggar's Fialator	1 set	2 set
26	Curotto sharp and blunt flushing	1	1
27	Delivery forceps	1	2
28	Factal Stethoscope	1	1
29	Palvimeter	1	1
30	Perforator	1	1
31	Cramotatory forceps	1	1
32	Maternity table	1	1
33	Stethoscope	1	2
34	Syringes 2 cc	2	2
35	Syringes 10 cc	2	2
36	Syringes 20 cc or above	1	1
37	Spygmonanometer	1	1
38	Stove Primus	2	2
39	Scaples	1	2
40	Skinners' mask	1	1

		1000 workers or below	1000—2000 workers
41	Stretcher	2	1
42	Scissors straight both ends sharp	1	2
43	Scissors straight Mayo	1	1
44	Sterilizer instrument portable	1	1
45	Thermometers	2	4
46	Tongue depressor	2	2
47	Tape measure	1	1
48	Test type chart	1	1
49	Tray dressing	2	2
50	Tray kidney	2	2
51	Tourniquet	1	1
52	Weighing machine	1	1
53	Water Proof sheets of 2 metres	2	4
54	Autoclave	1	1
55	Stomach tube	1	1
56	Mouth gag	1	1
57	Cat gut assorted (Numbers)	6 tubes	12 tubes
58	Silkworm gut or nylong thread	3 metres	6 metres
59	Sets of wooden splints (4½',3' 1',6")	1	
60	Lifter	1	
61	Enamel bucket	2	
62	Stainless Steel dekchi 12" with cover	1	
63	Wooden board 7' × 1½' × 1"	1	
64	Torch with spare cells	1	
65	Stretcher	2	
66	Eye Cups	1	

H. OTHER EQUIPMENTS

1	Blankets	6	12
2	Bin for soiled clothes	2	4
3	Bottles drop with grooved stoppers	2	2
4	Cork screw	2	2
5	Corks assorted	25	50
6	Dropper eye	2	2
7	Funnel 100 gms glass or E. 1	1	1
8	Filter paper	1 packet	1 packet
9	Gloves	2 pairs	2 pairs
10	Limus paper red	2 packets	4 packets
11	Litmus paper blue	2 packets	4 packets
12	Measure glass 200 gms	2	2
13	Measure glass 50 gms	2	2
14	Minim glass	2	

		100 workers or below	1001-2000 workers
15	Pestle and Mortar composition	1	1
16	Pin safety	12	12
17	Pot delf with cover	2	2
18	Spatula	1	1
19	Slab ointment	1	1
20	Soap	4 cakes	8 cakes
21	Spirit lamp	2	2
22	Scales and weights	4	8
23	Slides glass	15 gms.	15 gms.
24	Scissors sharp	2	2
25	Towels ordinary	4	8
26	Tin opener	2	2
27	Test tubes	8	8
28	Test tubes stand	2	2
29	Test tube holder	2	2
30	Urine glass specimen	2	4
31	Matress	4	6
32	Beds	4	6
33	Nail Brush	2	4
34	Sand Bags 12" X 8"	3	6

E. FURNITURE.

		100 workers or below	1001 2000 workers
1	Almirah	1	1
2	Benches	4	8
3	Chairs	4	8
4	Cupboard poison	1	1
5	Examination couch female	1	1
6	Stools	2	2
7	Screen	1	2
8	Table Medical Officer	1	1
9	Table dispersing	1	1
10	Table dressing	1	1

Note :—In the case of dressings, medical and surgical equipments, other centre equipments and furniture, a 50% increase in the number shown above for 2,000 workers shall be made for every additional 1,000 workers.

SCHEDULE-V.

STANDARD OF FACILITIES FOR EDUCATION AND RECREATION—WELFARE CENTRE.

[See rule 35]

WELFARE CENTRE.

I. Accommodation

(a) 1 One hall of 45 square metres
  2 Two rooms of 15 square metres each
  3 Covered Verandah 18 square metres
  4 One Lavatory for men
  5 One Lavatory for women
  6 One bath room for children

(b) Play ground of the size of 36 metres × 18 metres.

(c) Children's Park equipments—

(i) Swing	1 set
(ii) Ocean wave	1
(iii) Sea Saw	1
(iv) Slides	1

II. STAFF.

1 Adult Education Instructor-*cum*-Games Supervisor
2 Sevika

III. FURNITURE AND EQUIPMENT

1	Table	1
2	Chair	2
3	Chair Steel folding	6
4	Notice Board	1
5	Benches	2
6	Black Board	1
7	Steel Almirah	1
8	Coir mat 15 metres X 1 metre	1
9	Radio with loud speaker	1
10	Slates, Slate Pencils, Chalk, etc.	As necessary
11	Books, charts, maps, etc.	As necessary
12	Petromax (if no electricity is available)	1
13	Dholak	1
14	Jhals	4 pairs
15	Volley ball court equipment, ball etc.	1 set
16	Tenn koit set	1
17	Carrom Board	2
18	Chess	2
19	Ludo	3

20	Newspapers and Periodicals	As necessary
21	Sewing machine	1
22	Scissors	1 pair
23	Tape	1
24	Knitting and crochet needles	As necessary
25	Raw materials	,,
26	Gong	1

SCHEDULE-VI.

FORM-A.

CERTIFICATE OF INSPECTION.

Inspection report of the......................Dispensary or hospital at............................by the..................for the year............... ending...........19......

1. Name of Iron Ore and Manganese Ore Mine/Iron Ore/ Manganese Ore Mine served by Dispensary or hospital.
2. Number of workers for which it caters.
3. Date and hour of Inspection.
4. Date of last Inspection.
5. Dispensary or hospital buildings.
    - (a) Condition of Dispensary or hospital building.
    - (b) Does the accommodation provided conform to the prescribed standard ?
6. Medicines—
    - (a) Is the supply sufficient and according to the prescribed scale ?
    - (b) Are the poisons labelled and kept separately under lock and key ?
7. Surgical instruments and equipments—
   Are they sufficient and in good order ?
8. Staff Acquittance Rolls—Are they in order and upto date ?
9. Registers and Returns—Are these properly kept and regularly submitted ?
10. Establishment.
    - (a) Officer-in-charge
        - (i) Part time/whole time.
        - (ii) Name and qualifications.
    - (b) Designation and pay of staff
        - (i) Medical Graduate
        - (ii) Medical Licentiate
        - (iii) Lady Doctor
        - (iv) Nurse
        - (v) Compounder

(vi) Auxiliary Nurse Midwife
(vii) Male Dresser
viii) Female Dresser
(ix) Sweeper
(x) Chowkidar
(xi) Peon
(c) Attendance Register—Do the staff attend regularly ?

11. Annual expenditure on—
(a) Establishment
(b) Medicines

12. Out-patients—
(a) Number seen at the time of visit.
(b) Total number of new patients treated in current year up-to-date.
(c) Total number of old patients treated in current year up-to-date.
(d) Total treated during the last year.
(e) Do the entries on tickets of patients present tally with the entries on the registers.
(f) Are there any arrangements for treating women apart from men ?

13. In-patients—
(a) Number seen at the time of visit.
(b) Total number of patients in current year up-to-date.

14. Are you satisfied with the working of the dispensary or hospital ? If not, what suggestions can be made for its improvements ?

I certify that I have inspected the dispensary or hospital noted above and that it conforms/does not conform in the following respects* to the standards laid down in the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1977.

Signature of Inspecting Officer

Date

Countersignature of Commissioner
with date

---

*Give details below.

Note:—The countersignature of the Commissioner is not necessary when the Commissioner himself is the Inspecting Authority.

FORM-B.

[See Rule 32]

CERTIFICATE OF INSPECTION.

Inspection report of the Maternity Centre at.........................
........................by the.............. ....for the year.................
ending..................19......

1. Name of Iron Ore and Manganese Ore/Iron Ore/Manganese Ore Mine served by the Maternity Centre.
2. Number of workers for which it caters.
3. Date and hour of Inspection.
4. Date of last inspection.
5. Maternity Centre Buildings—
   - (a) Condition of Maternity Centre buildings.
   - (b) Does the accommodation provided conform to the prescribed standard ?
6. Medicines—
   - (a) Is the Supply sufficient and according to the prescribed scale?
   - (b) Are the poison labelled and kept separately under lock and key ?
7. Surgical Instruments and equipments—
   Are they sufficient and in good order?
8. Staff Acquittance Rolls—
   Are they in order and up-to-date ?
9. Registers and Returns—
   Are these properly kept and regularly submitted ?
10. Establishment—
   - (a) Officer-in-Charge.
     - (i) Part-time/whole-time.
     - (ii) Name and qualifications.
   - (b) Designation and Pay of staff—
     - (i) Medical Graduate
     - (ii) Medical Licentiate
     - (iii) Lady Doctor
     - (iv) Compounder
     - (v) Nurse
     - (vi) Midwife
     - (vii) Ayah
     - (viii) Sweeper
     - (ix) Ward Attendant
     - (x) Cook

(c) Attendance Registers—
Do the staff attend regularly ?

11. Annual expenditure on –
(a) Establishment
(b) Medicines

12. Out patients—
(a) Number seen at the time of visit.
(b) Total number of new patients treated in current year up-to-date.
(c) Total number of old patients treated in current year up-to-date.
(d) Total treated during the last year.
(e) Do the entries on tickets of patients present tally with the entries on the register ?

13. Are you satisfied with the working of the Maternity Centre ?

If not what suggestions can you make for its improvements ?

I Certify that I have inspected the Maternity Centre noted above and that conforms/does not conform in the following respects* to the standards laid down in the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1977.

Signature of the Inspecting Officer with date

Counter Signature of Commissioner with date

---

*Give details below.

NOTE :—The counter signature of the Commissioner is not necessary when the Commissioner himself is the Inspecting Authority.

FORM-C

(See rule 36)

CERTIFICATE OF INSPECTION OF THE WELFARE CENTRE

Inspection report of the..................................Welfare Centre at..................................by the..................................for the year..................................ending..................................19.........

1. Name of Iron Ore and Manganese Ore Mine/Iron Ore/Manganese Ore Mine served by the Centre.
2. Number of workers for which it caters
3. Date and hour of inspection
4. Date of last inspection

5. Centre building :—
    - (a) Condition of the building
    - (b) Does the accommodation provided conform to the prescribed standard ?

6. Equipment :—
    - (a) Are the equipments provided according to the prescribed standard ?
    - (b) Is timely repairs/replacement done where necessary ?
    - (c) Are the equipments all in serviceable condition ?

7. Establishments :—
    - (a) Officer-in-charge :—
        - (i) Part-time/whole-time
        - (ii) Name and qualifications.
    - (b) Designation and pay of staff :—
        - (i) Adult Education Instructor
        - (ii) Sevika
        - (iii) Sweeper
    - (c) Attendance Register :—
      Do the staff attend regularly ?

8. Annual expenditure—
    - (a) Establishments
    - (b) Repairs and replacements of equipments.

9. Activities :—
    - (a) Total number of rolls attending the centre
    - (b) Number seen at the time of inspection
    - (c) Number of adults attending literacy classes.
    - (d) Number of women attending craft classes
    - (e) Number of adults participating in games and sports.

10. Are you satisfied with the working of the centre ? If not, what suggestion can be made for its improvements ?

I Certify that I have inspected the Welfare Centre noted above and that it conforms/does not conform in the following respects* to the standard laid down in the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1977.

Signature of Inspecting Officer
with date

Counter Signature of Commissioner
with date

---

*Give details below.

NOTE :—The counter Signature of the Commissioner is not necessary when the Commissioner himself is the Inspecting Authority.

FORM-D

(See rule 39)

STATISTICS AND OTHER INFORMATION

1. Name of Mine/Metallurgical Factory
2. Location and full address of mine/metallurgical factory
3. Name of owner/manager of mine/Occupier of factory
4. Number of persons employed in the mine/metallurgical factory from........................19..............................to................................19..........................
   - (a) Male
   - (b) Female
   - (c) Children

Total...................................

5. Details of welfare facilities provided by the mine/metallurgical factory to the persons employed in the mine/metallurgical factory.
   - (a) Housing
   - (b) Medical
   - (c) Water Supply
   - (d) Recreation
   - (e) Any other activities.
6. Quantum of Cess paid by the owner of mine/occupier of metallurgical factory under the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976,(61 of 1976) during the period from.........19 ....to..............................19 ....

Certified that the above particulars are true to the best of my knowledge and belief and are based on the records maintained in my mine/factory.

No.

Date and place.

Owner/Agent/Manager of Mine

Occupier of factory

[No. S-23011/5/76-M.V. (iv)]

P. R. RAMAKRISHNAN, Under Secy.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 15 LCR 78

Bangalore, dated 30th November 1978.

Ordered that the Notification No. GSR. 500 (E) dated 17th October 1978 under the Sugar (Control) Order, 1966 published in part II, Section 3 (i) of the Gazette of India Extra-ordinary dated 17th October, 1978 be republished in the Karnataka Gazette for general information.

By Order and in the name of the Governor of **Karnataka,**

A. NEELAKANTARYA
Under Secretary to Government,
34 *Deptt. of Law and Parly, Affairs.*

GOVERNMENT OF INDIA

Ministry of Agriculture and Irrigation
(Department of Food)

ORDER

New Dlehi, the 17th October, 1978

G.S.R 500 (E) Ess. Com./Sugar.—In exercise of the powers conferred by clauses 4 and 5 of the Sugar (Control) Order, 1966, the Central Government hereby directs that the sugar which shall conform to I. S.S. specification shall be sold despatched or delivered by a producer only to a sugar dealer licensed. to deal in sugar under the order relating to the licensing of sugar dealers for the time being in forcein a State or Union territory or to a nominee of the Government of Bhutan and the sale invoice issued by the producer shall. indicate the name and full addrees of the consignee and his licence number.

Provided that the producer may utilise such quantity as he may consider necessary for the production of sugar products, food products in which sugar is used and soft drinks in a factory owned by him.

[No. 1-12/77-SPY]

C. N. RAGHAVAN, Jt, *Secy.*

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